



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes **CNR, MNDCT, LRE, OLC, FFT, OPR, MNRL-S, FFL,**

Introduction

This hearing dealt with the landlord's Application for Dispute Resolution under the Residential Tenancy Act(the "Act") for:

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice)
- a Monetary Order for compensation for monetary loss or other money owed
- an order to suspend or set conditions on the landlord's right to enter the rental unit
- an order requiring the landlord to comply with the Act, regulation or tenancy agreement
- authorization to recover the filing fee for this application

Rule 2.3 of the Residential Tenancy Branch Rules of Procedure authorizes me to dismiss unrelated claims. I considered only the tenant's request to cancel the 10 Day Notice. The tenant's other claims are dismissed with leave to re-apply. As the landlord's Notice is directly related, I will consider it.

During this hearing, the parties reached an agreement to settle their dispute and end the tenancy. In light of the settlement reached between the parties, I dismiss the tenant and the landlord's claim for their filing fee, without leave to reapply.

Both the tenant and the landlord's agent attended the hearing. As both parties were present, service was confirmed.

Settlement Reached

Under section 63 of the Act, the Arbitrator may assist the parties to settle their dispute. If the parties settle their dispute during the dispute resolution proceedings, the settlement may be recorded in the form of a decision or an order. During the hearing the parties discussed the issues between them, turned their minds to compromise and reached an agreement to settle their dispute with the following terms:

- Both parties agreed the tenant will move out on October 31, 2023.
- Both parties agreed the tenant will pay \$3,900.00 (the landlord will retain the security deposit of \$1,100.00) the tenant will pay the balance of \$2,800.00 on November 30, 2023.

Conclusion

To give effect to the settlement reached between the parties and as discussed at the hearing, I issue an Order of Possession to the landlord. The landlord is required to serve this Order of Possession upon the tenant and may enforce it as early as 1:00 p.m. on October 31, 2023, should the landlord be required to do so.

To give effect to the settlement reached between the parties and as discussed at the hearing, I order the landlord to retain the security deposit of \$1,100.00 in partial satisfaction of the claim and I grant the landlord a Monetary Order in the amount of \$2,800.00 for the balance due. Should the tenant fail to comply with the agreed payment plan, the landlord must serve the Monetary Order to the tenant, and then the Order may be filed in the Small Claims Division of the Provincial Court and enforced as an Order of that Court.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: October 05, 2023

Residential Tenancy Branch