

DECISION

Introduction

This hearing dealt with Applications for Dispute Resolution from both the Tenant and the Landlord under the *Residential Tenancy Act* (the Act). The Tenant's Application for Dispute Resolution, filed on September 13, 2024 (the Application), is for:

- Cancellation of the Landlord's 10 Day Notice to End Tenancy for Unpaid Rent (10 Day Notice) and an extension of the time limit to dispute the 10 Day Notice under sections 46 and 66 of the Act

The Landlord's Application for Dispute Resolution, filed on September 19, 2024 (the Cross-Application), is for:

- An Order of Possession based on the 10 Day Notice under sections 46 and 55 of the Act
- A Monetary Order for unpaid rent under section 67 of the Act
- Authorization to recover the filing fee for the Cross-Application from the Tenant under section 72 of the Act

Tenant A.D. attended the hearing for the Tenant together with a support person who did not participate in the hearing.

Agent J.R. attended the hearing for the corporate Landlord, S.R.E.

The parties were able to settle their dispute.

Settlement

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 this hearing, the parties reached an agreement to settle their dispute.

Both parties agreed to the following terms of a final and binding resolution of the Application and the Cross-Application and the issues in dispute arising out of this tenancy at this time and they did so of their own free volition and without any element of coercion:

1. The parties agreed that this tenancy will end by way of mutual agreement at 1:00 PM on October 31, 2024, by which time the Tenant agreed to vacated the rental unit.
2. The Landlord agreed to waive their claim for \$6,574.75 in rental arrears in its entirety.
3. Both parties agreed that these particulars comprise the full and final settlement of all aspects of the Tenant's Application and the Landlord's Cross Application.

Conclusion

To give effect to the settlement reached between the parties, and as discussed at the hearing:

I grant an Order of Possession to the Landlord effective **on October 31, 2024, at 1:00 PM after service of this Order** on the Tenant. The Landlord is provided with this Order and the Tenant must be served with a copy of this Order as soon as possible. Should the Tenant or any occupant on the premises fail to comply with this Order, it may be filed and enforced as an Order of the Supreme Court of British Columbia.

No monetary order is issued with respect to the above settlement reached between the parties.

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

Dated: October 18, 2024

Residential Tenancy Branch