



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

Decision

Dispute Codes: OPR, OPC, MNR, CNR, CNC, FF

Introduction

This hearing dealt with two applications: 1) by the landlords for an order of possession, a monetary order, an order to retain the security deposit in partial satisfaction of the claim, and recovery of the filing fee; 2) by the tenants for cancellation of the notices to end tenancy and recovery of the filing fee. Both parties participated in the hearing and gave affirmed testimony.

Issues to be Decided

- Whether the landlord is entitled to an order of possession
- Whether either or both parties are entitled to a monetary order under the *Act*.

Background and Evidence

The landlords had issued 3 separate notices to end tenancy: a 10 day notice to end tenancy for unpaid rent / utilities; a 1 month notice to end tenancy for cause; and a 2 month notice to end tenancy for landlord's use of property. The landlords withdrew the 10 day notice and the 2 month notice, leaving the parties to decide whether or not to proceed to present evidence around the issue of cause for the 1 month notice. Both parties agreed that it was in the best interests of each to bring the landlord – tenant relationship to an end.

Analysis

Pursuant to section 63 of the *Act*, the parties turned their minds to achieving a resolution of the dispute. Specifically, the parties agreed to conclude the tenancy effective January 31, 2009. In this regard the parties were informed that an order of possession will be issued to the landlords.

Building on the strength of their ability to reach a mutual agreement around an end to tenancy, the parties were encouraged to resolve between them other potential areas of discord in the relatively short term landlord – tenant relationship remaining; such matters may include access to laundry facilities, payment of utilities and management of the tenants' dog.

I dismiss the applications by both parties for recovery of their respective filing fees.

Conclusion

Pursuant to the above agreement I hereby issue an order of possession in favour of the landlords effective on or before **1:00 pm, January 31, 2009**. This order must be served on the tenants. Should the tenants fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

DATE: December 4, 2008

Dispute Resolution Officer

