

## **DECISION**

Dispute Codes      CNC MNDC ERP RPP RR FF

This hearing dealt with an application by the Tenants to obtain an Order to cancel a notice to end tenancy issued for cause, for a Monetary Order for money owed or compensation for damage or loss under the Act, an Order to have the Landlord make emergency repairs to the unit, to make repairs to the unit, allow the Tenants reduced rent for repairs or facilities agreed upon but not provided, and to recover the cost of the filing fee from the Landlord for this application.

During the course of the November 18, 2009 hearing, the parties were working on an agreement and the male Tenant stated that he needed to confirm with the female Tenant before proceeding. The hearing was adjourned and reconvened on November 23, 2009 at 9:00 a.m. where the parties reached an agreement to settle these matters, on the following conditions:

1. the parties mutually agreed to end the tenancy effective March 31, 2010; and
2. the Landlord has agreed to reduce the Tenants rent to \$1,850.00 per month effective December 1, 2009 and for the remaining four months of the tenancy in full satisfaction of the Tenants' claim; and
3. the Tenants agree to provide the Landlord with post dated cheques for December 2009, January 2010, February 2010, and March 2010 rent in the amount of \$1,850.00 each; and
4. the Tenants agree to ensure that the post dated cheques will clear the bank on the first of each month; and
5. the Landlord agrees to have the deck, fence, carport roof and carport drains repaired no later than December 15, 2009; and
6. the Tenants agree to allow the repair people unrestricted access to the rental unit upon receiving 24 hours notice of their attendance to the rental property; and
7. if either party does not comply with the above agreements, then the other is at liberty to apply for compensation.

## **Conclusion**

I HEREBY grant the Landlord an order of possession, effective March 31, 2010. The Order must be served on the Tenants and if 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.

As the parties were able to settle the matter, I decline to award the Tenant recovery of the filing fee for the cost of this application.

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: November 23, 2009.

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Dispute Resolution Officer