

## **DECISION**

Dispute Codes      CNC MNDC OLC FF

### Introduction

This hearing dealt with an Application for Dispute Resolution by the Tenants to obtain an Order to cancel a notice to end tenancy for cause, to obtain a Monetary Order for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement, to obtain an order to have the Landlords comply with the Act, and to recover the cost of the filing fee from the Landlords for this application.

Service of the hearing documents, by the Tenants to the Landlords, was done in accordance with section 89 of the *Act*, sent via registered mail on March 18, 2010 and the amended application was sent registered mail on April 1, 2010. Mail receipt numbers were provided in the Tenants' evidence. The Landlords confirmed receipt of the hearing packages.

The Landlords and Tenants appeared, acknowledged receipt of evidence submitted by the other, gave affirmed testimony, were provided the opportunity to present their evidence orally, in writing, and in documentary form.

### Issues(s) to be Decided

Are the Tenants entitled to an Order to cancel the Notice to End Tenancy under section 47 of the *Residential Tenancy Act*?

Are the Tenants entitled to a Monetary Order for compensation for damage or loss under section 67 of the *Residential Tenancy Act*?

Are the Tenants entitled to an Order to have the Landlord comply with the Act under section 62 of the *Residential Tenancy Act*?

### Background and Evidence

The undisputed testimony was the tenancy agreement began on July 1, 2007 between the female Tenant and the previous owner(s) of the property. The current owners purchased the property and transferred title on February 3, 2009. The Current monthly rent is payable on the first of each month in the amount of \$1,450.00 and the Tenants

paid a security deposit of \$725.00 on July 1, 2007 and a pet deposit of \$500.00 on approximately November 1, 2009.

### Analysis

During the course of the hearing, the parties reached an agreement to settle this matter, on the following conditions:

1. the Tenants withdraw their application; and
2. the parties mutually agree to end the tenancy effective June 30, 2010 at 1:00 p.m.; and
3. in consideration of this mutual agreement to end the tenancy the Landlord will be granted an Order of Possession effective June 30, 2010, at 1:00 p.m.; and
4. in consideration for this mutual agreement to end the tenancy the Landlords will pay the Tenants a sum of \$1,000.00 on June 30, 2010, at 1:00 p.m.; and
5. the Tenants will be issued a monetary order for \$1,000.00 to be served upon the Landlords if they fail to provide the Tenants payment on June 30, 2010 at 1:00 p.m. in accordance with this settlement agreement; and
6. the Landlords agree to issue and post a laundry schedule to all tenants occupying the rental units, ensuring fair and equitable usage of the facility with Sunday being designated as a laundry day for these applicant Tenants, no later than May 7, 2010 at 5:00 p.m.; and
7. the Landlords agree to designate a smoking area for all tenants and their guests, which meets municipal by-laws and does not include the carport of the rental unit, or within 3 meters of the laundry room entrance door, and to inform all tenants of this designation, in writing, no later than May 7, 2010 at 5:00 p.m.; and
8. the Tenants agree to provide the Landlords with their forwarding address, in writing, on or before the end of the tenancy; and
9. the Landlords agree to administer the security deposit and pet deposit in accordance with the *Residential Tenancy Act*; and
10. the Landlords confirm they have not discussed the Tenants' issues with other tenants and agree not to do so in the future.

As this matter was settled, I decline to award the Tenants recovery of the filing fee for the cost of the application.

### Conclusion

In consideration of the above mentioned mutual agreement to end the tenancy I HEREBY FIND that pursuant to section 55 of the Act, the Landlords are entitled to an Order of Possession effective **June 30, 2010, at 1:00 p.m., after service on the Tenants**. This order must be served on the Respondent Tenants and may be filed in the Supreme Court and enforced as an order of that Court.

In consideration of the settlement agreement, a copy of the Tenants' decision will be accompanied by a Monetary Order for \$1,000.00 pursuant to sections 63 and 67 of the Act. The order must be served on the Landlords and is enforceable through the Provincial Court as an order of that Court. If the Landlords uphold the settlement agreement and pay the Tenants \$1,000.00 on June 30, 2010, this monetary order becomes void and of no force or effect.

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: May 05, 2010.

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Dispute Resolution Officer