

DECISION

Dispute Codes O, FF

Introduction

This hearing dealt with the tenants' Application for Dispute Resolution to cancel a non-compliant notice to end tenancy.

The hearing was conducted by teleconference and was attended by the landlord and both tenants.

At the start of the hearing the landlord noted that he has withdrawn his original notice that was not compliant with the Residential Tenancy Act (Act) and issued a 1 Month Notice to End Tenancy for Cause on May 4, 2010. The landlord noted the tenant's had not applied to cancel the new notice.

As the notice was issued one day after the tenant's filed their Application for Dispute Resolution and the fact that both parties have been trying to negotiate a settlement to end the tenancy I grant an amendment to the tenant's application to include a request to cancel the notice issued by the landlord on May 4, 2010.

Settlement Agreement

During the hearing the parties agreed to the following settlement agreement:

1. The landlord withdraws all notices to end tenancy;
2. The tenants agree to vacate the rental unit no later than June 30, 2010 at 1:00 p.m.;
3. The landlord waives rent for the month of June, 2010;
4. The landlord agrees to provide the tenants compensation in the amount of \$50.00 to recover the filing fee for this Application and will provide this to the tenants at the end of the tenancy when returning the security deposit;
5. The landlord acknowledges that he intends to return the clothes dryer by Friday, June 4, 2010 if repair or purchase a new clothes dryer on June 5, 2010;
6. The landlord agrees to not pursue compensation for the repair of a bi-fold door in the rental unit;
7. The tenants agree to not pursue compensation for replacement/repair of a damaged megaphone;

8. The tenants agree to repair and paint any large and/or excessive holes or damage to the walls in the rental unit; and
9. The landlord agrees to provide the tenants with a “colour chip” to be used by the tenant to obtain the paint required to complete point #8.

Conclusion

Pursuant to Section 63 of the Act, I accept the settlement agreement and provide the parties with this decision as a record of the agreement.

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 28, 2010.

Dispute Resolution Officer