

Decision

Dispute Codes: CNR, OLC, FF

Introduction

This hearing was convened in response to an application by the tenants for cancellation of a notice to end tenancy for unpaid rent or utilities / an order instructing the landlords to comply with the Act, Regulation or tenancy agreement / and recovery of the filing fee. Both parties participated in the hearing and gave affirmed testimony.

Issues to be decided

- Whether the tenants are entitled to any or all of the above under the Act, Regulation or tenancy agreement

Background and Evidence

Pursuant to a written tenancy agreement the tenancy began on January 15, 2011. An “addendum” to the agreement provides for a one year term with “an option to renew for one to five more years at the tenants’ option.” Monthly rent of \$1,200.00 is payable in advance on the first day of each month. A security deposit of \$600.00 and a pet damage deposit of \$400.00 were both collected on January 8, 2011.

The landlords take the position that there was a shortfall in payment of rent for July in the amount of \$1,090.00. Accordingly, the landlords issued a 10 day notice to end tenancy for unpaid rent dated July 2, 2011. As the tenants object to the landlords’ position, the tenants filed an application to dispute the notice on July 4, 2011. Thereafter, rent was paid in full for August and the tenants continue to reside in the unit.

During the hearing the parties exchanged views on some of the circumstances surrounding the dispute, and undertook in earnest to achieve a resolution.

Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: www.rto.gov.bc.ca/

Section 63 of the Act provides that the parties may attempt to settle their dispute during a hearing. Pursuant to this provision, discussion between the parties during the hearing led to a resolution. Specifically, it was agreed as follows:

- that the tenants will vacate the unit by no later than Monday, April 30, 2012, and that an order of possession will be issued in favour of the landlords to that effect;
- that the tenants will pay the landlords the full amount in dispute which is \$1,090.00;
- that the above amount will be paid in 8 equal installments of \$136.25 ($\$1,090.00 \div 8$);
- that the above installments will be added to each of the 8 regular direct deposit rental payments remaining in the tenancy (2011: September, October, November, December; 2012: January, February, March, April);
- that each of the next 8 rental payments will therefore total \$1,336.25 ($\$1,200.00 + \136.25);
- that the tenants withdraw the aspects of their original application which concern an order instructing the landlords to comply with the Act, Regulation or tenancy agreement, and recovery of the \$50.00 filing fee;
- that the above particulars comprise full and final settlement of all aspects of the dispute for both parties, which arise out of this tenancy and which are currently before me.

Conclusion

I hereby issue an order of possession in favour of the landlords effective not later than **1:00 p.m., Monday, April 30, 2012**. 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.

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*.

DATE: August 2, 2011

Residential Tenancy Branch