

Decision

Dispute Codes: MT, DRI, MNDC, OLC, ERP, RP

Introduction

This hearing was convened in response to an application by the tenants for more time to make an application to cancel a notice to end tenancy / to dispute an additional rent increase / a monetary order as compensation for damage or loss under the Act, Regulation or tenancy agreement / an order instructing the landlord to comply with the Act, Regulation or tenancy agreement / an order instructing the landlord to make emergency repairs for health or safety reasons / and an order instructing the landlord to make repairs to the unit, site or property. 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

Following an application by the tenants, a previous hearing was convened on August 30, 2011 in the dispute between these parties. In the decision of the same date it was noted in part as follows:

There is no written tenancy agreement in evidence for this month-to-month tenancy which began on or about May 15, 2011. Monthly rent of \$700.00 is paid directly to the landlord by the Ministry. It is unclear whether a security deposit was collected.

Pursuant to section 63 of the Act the parties achieved a settlement of their dispute during the hearing on August 30, 2011. In part, it was agreed that the tenants would vacate the unit by not later than October 31, 2011, and an order of possession was issued in favour of the landlord to that effect.

Subsequently, the landlord did not serve the order of possession on the tenants, and he accepted payment of rent for November 2011 in the amount of \$775.00, plus \$25.00 towards what he considers is past overdue rent. No rent has been paid for December 2011 and the tenants continue to reside in the unit.

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

During the hearing the parties reaffirmed their commitment to resolving the dispute and concluding the tenancy. Pursuant to section 63 of the Act (**Opportunity to settle dispute**), further to the agreement reached on August 30, 2011, the parties agreed as follows:

- that the landlord's acceptance of rent for November 2011 does not serve to reinstate the tenancy;
- that the tenants will vacate the unit by not later than December 31, 2011;
- that should the tenants not vacate the unit by December 31, 2011, the landlord has the option of filing the order of possession dated August 30, 2011 in the Supreme Court, and having it enforced as an Order of that Court;
- that the landlord waives his entitlement to rent for the month of December 2011, and waives his entitlement to rent that he has otherwise alleged is overdue;
- that the tenants withdraw all aspects of their current application as set out in the Introduction of this Decision.

Conclusion

As detailed above, the parties have agreed to take the steps necessary to achieve final settlement of all aspects of the dispute and to conclude the tenancy.

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: December 5, 2011

Residential Tenancy Branch