



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MT, DRI, MNDC, RP, PSF, FF

Introduction

This hearing was scheduled in response to the tenants' application 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 make repairs to the unit, site or property / an order instructing the landlord to provide services or facilities required by law / and recovery of the filing fee. Both parties participated and / or were represented at the hearing and gave affirmed testimony.

Issue(s) to be Decided

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

Background and Evidence

Pursuant to a written tenancy agreement, the fixed term of tenancy is from February 15, 2011 to February 28, 2012. During the hearing the parties agreed that in view of the leap year, the tenancy agreement is now considered to be amended to reflect an end date of February 29, 2012. Monthly rent of \$2,380.00 is payable in advance on the first day of each month, and a security deposit of \$1,190.00 was collected.

In short, the dispute centres around the conflicting preferences of the parties concerning how the tenancy might proceed after February 29, 2012. The landlord sought a new fixed term tenancy, whereas the tenants sought a month-to-month tenancy. Added to this difficulty was the landlord's wish to introduce a rent increase after the end of February 2012, and the tenants' wish to have the landlord undertake certain repairs / maintenance in the unit.

During the hearing the parties exchanged views on some of the circumstances surrounding the dispute and undertook 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 led to a resolution. Specifically, it was agreed as follows:

- that following the end of the current fixed term of tenancy on February 29, 2012, the parties will enter into a new fixed term for the 2 month period from March 1 to April 30, 2012;
- that monthly rent for the 2 month fixed term will remain unchanged from \$2,380.00;
- that in the event the tenants wish to end the tenancy effective March 31, 2012, they undertake to provide the landlord with written notice to this effect as soon as possible;
- that despite the agreement to enter into a 2 month fixed term, should the tenants exercise the option to end tenancy effective March 31, 2012, the landlord waives entitlement to rent / loss of rental income for April 2012;
- that despite what may eventually be their intention to end the tenancy effective March 31, 2012, should the tenants over hold or otherwise continue to occupy the unit on April 1, 2012, they will be liable for full payment of rent for April 2012;
- that the security deposit previously collected will be carried forward and applied to the 2 month fixed term of tenancy;
- that the parties will attempt to reach agreement between them around the disposition of the security deposit at the end of tenancy;
- that in view of other agreements reached between them, the tenants withdraw all aspects of their application for dispute resolution, including the application to recover the 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 presently before me.

Conclusion

Pursuant to the details set out above, the dispute between the parties is hereby settled.

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: February 10, 2012.

Residential Tenancy Branch