



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNC, MNDC, ERP, RP, PSF, FF

Introduction

This hearing was scheduled in response to an application by the tenants for cancellation of a notice to end tenancy for cause / a monetary order as compensation for damage or loss under the Act, Regulation or tenancy agreement / an order instructing the landlords to make emergency repairs for health or safety reasons / an order instructing the landlords to make repairs to the unit, site or property / an order instructing the landlords to provide services or facilities required by law / and recovery of the filing fee.

Both parties attended the face-to-face 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

There is no written tenancy agreement in evidence for the month-to-month tenancy which began in July 2009. Monthly rent is currently \$1,550.00, and it is payable in advance on the first day of each month. A security deposit and a pet damage deposit were both collected, although the exact amounts were unable to be confirmed during the hearing. While a walk-through of the unit was undertaken at the outset of tenancy, no move-in condition inspection report is in evidence.

The landlords issued a 1 month notice to end tenancy for cause dated February 9, 2012. A copy of the notice was submitted in evidence. The date shown on the notice by when the tenants must vacate the unit is March 31, 2012. The reason shown on the notice for its issuance is as follows:

There are an unreasonable number of occupants in a rental unit

On February 10, 2012 the tenants filed an application to dispute the notice, and by letter of February 20, 2012, the tenants gave notice to end tenancy effective March 31, 2012.

During the hearing the parties exchanged views on some of 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 during the hearing led to a resolution. Specifically, it was agreed as follows:

- that the tenants withdraw the application for cancellation of the notice to end tenancy for cause;
- that the tenants will vacate the unit by no later than 1:00 p.m., Saturday, March 31, 2012, and that an order of possession will be issued in favour of the landlords to that effect;
- that the tenants withdraw the application for an order instructing the landlords to make emergency repairs for health or safety reasons / an order instructing the landlords to make repairs to the unit, site or property / and an order instructing the landlords to provide services or facilities required by law;
- that the tenants' application for compensation will be satisfied by the landlords' payment of \$50.00 with respect to the filing fee;
- that the above payment will be by cheque made payable to the male tenant;
- that the cheque will be mailed by no later than midnight, Friday, March 9, 2012;
- that the landlords will schedule no more showings of the unit to prospective new tenants until after the current tenants vacate the unit on March 31, 2012;

- that the landlords will otherwise not require access to the unit until Noon on Saturday, March 31, 2012, at which time the parties will complete a move-out condition inspection together;
- that the only exception to the provision set out immediately above, would be in the event of an emergency which requires the landlords to access the unit;
- that in the event of an emergency which requires the tenants to notify the landlords, the tenants will do so in a timely fashion by way of e-mail directly to the landlords;
- that the parties will undertake to resolve the disposition of the security deposit and the pet damage deposit directly between them at the end of tenancy, following the completion of the move-out condition inspection; in this regard the attention of the parties is drawn to section 38 of the Act which addresses **Return of security deposit and pet damage deposit**;
- with the exception of the still-to-be-resolved disposition of the security and pet damage deposits, that the above particulars comprise full and final settlement of all aspects of the dispute arising from this tenancy for both parties, which include, but are not necessarily limited to, matters concerning compensation for mould, moving expenses, cost of temporary accommodation, missed days off work, stress and the right to quiet enjoyment.

Conclusion

I hereby issue an **order of possession** in favour of the landlords effective not later than **1:00 p.m., Saturday, March 31, 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*.

Dated: March 08, 2012.

Residential Tenancy Branch