



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This hearing was scheduled to deal with a landlord's application for an Order of Possession and Monetary Order for unpaid rent. Both parties appeared or were represented at the hearing and were provided the opportunity to make relevant submissions, in writing and orally pursuant to the Rules of Procedure, and to respond to the submissions of the other party.

Preliminary and Procedural Matters

From the outset of the hearing it was apparent the relationship between the parties was very acrimonious. The parties were in dispute as service of the hearing documents and evidence upon the tenants for this proceeding. The parties were in dispute as to service of a 10 Day Notice dated June 2, 2012. Further, the correctness of a previous decision issued under file 791949 was also an issue. However, after considerable discussion during the hearing both parties indicated they wished to resolve their dispute(s) by way of a settlement agreement.

I have recorded the terms of the settlement agreement by way of this decision and the Orders that accompany it.

Issue(s) to be Decided

What are the terms of the settlement agreement?

Background and Evidence

It was undisputed that the parties have a fixed term tenancy set to expire December 31, 2012 and the landlord served a 2 Month Notice to End Tenancy for Landlord's Use of Property on May 6, 2012. The effective date on the Notice was non-compliant with the Act.

It was undisputed that the tenants have not paid any rent for the months of May and June 2012 and have not paid utilities demanded of them by the landlord.

The parties mutually agreed to the following terms in order resolve their dispute(s):

1. The tenancy will end and the tenants will vacate the rental unit no later than June 30, 2012.
2. The landlord will waive any entitlement to unpaid rent or unpaid utilities incurred or consumed by the tenants during the tenancy.
3. In addition to the above, the landlord will pay to the tenants \$2,000.00.
4. The security deposit remains in trust, to be administered in accordance with the Act.

The parties were also informed and understood that they remain obligated to comply with other parts of the Act for the remainder of the tenancy and at the end of the tenancy, including:

- The tenants remain obligated to leave the rental unit reasonably clean and undamaged at the end of the tenancy and return the keys to the landlord.
- The landlord remains obligated to offer the tenants the opportunity to participate in a move-out inspection in accordance with the Act and its Regulations.
- Both parties remain obligated to participate in the move-out inspection together, or send an agent to represent them at the move-out inspection.

Analysis

Pursuant to section 63 of the Act, I have the authority to assist parties in reaching a settlement agreement during the hearing and to record a settlement agreement in the form of a decision or order. I have accepted the settlement agreement reached by the parties during this hearing and make the terms an Order to be binding upon both parties.

I have recorded the settlement agreement by way of this decision and I have provided both parties with Orders in recognition of the terms of settlement. The landlord has been provided an Order of Possession effective June 30, 2012. The tenants have been provided a Monetary Order in the amount of \$2,000.00 to ensure payment is made.

Conclusion

This dispute has been resolved by way of a settlement agreement as recorded in this decision. The landlord has been provided an Order of Possession effective June 30, 2012. The tenants have been provided a Monetary Order in the amount of \$2,000.00. To enforce the Orders they must be served on the other party and filed in the appropriate court if necessary.

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: June 29, 2012.

Residential Tenancy Branch