



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC MOLC RP

Introduction

This hearing dealt with an Application for Dispute Resolution by the Tenants to obtain a Monetary Order for money owed or compensation for damage or loss under the Act, regulation, or tenancy agreement, and to obtain Orders to have the Landlord comply with the Act and make repairs to the unit, site or property.

The parties appeared at the teleconference hearing, acknowledged receipt of evidence submitted by the other and gave affirmed testimony. At the outset of the hearing I explained how the hearing would proceed and the expectations for conduct during the hearing, in accordance with the Rules of Procedure. Each party was provided an opportunity to ask questions about the process however each declined and acknowledged that they understood how the conference would proceed.

During the hearing each party was given the opportunity to provide their evidence orally, respond to each other's testimony, and to provide closing remarks. The parties confirmed receipt of evidence submitted by the other. A summary of the testimony is provided below and includes only that which is relevant to the matters before me.

Issue(s) to be Decided

1. Are the Tenants entitled to a monetary order?
2. Should the Landlord be ordered to comply with the Act and make repairs to the unit, site or property.

Background and Evidence

The parties agreed they entered into a tenancy that began on January 1, 2012. Rent is payable on the last day of each month in the amount of \$1,500.00. The Tenants transferred \$500.00 from their downstairs tenancy towards the security deposit for this tenancy and paid an additional \$250.00 making the security deposit \$750.00.

During the course of these proceedings the parties agreed to settle these matters.

Analysis

The parties agreed to settle these matters on the following terms:

- 1) The Tenants agree to withdraw their application in support of this settlement agreement; and
- 2) In support of this agreement the Landlord agrees to pay the Tenants \$750.00 on or before **October 31, 2012**; and
- 3) The Landlord agrees to have the pest control company attend the unit as soon as possible to continue the treatment for cockroaches and to continue the treatments as determined by the pest control company to eliminate the cockroaches by the end of August 2012 in order to provide from the start of September 2012 onward free from cockroaches; and
- 4) If the unit is completely free of cockroaches from September 1, 2012 onward, the Tenants mutually agree to end this tenancy and vacate the unit no later than October 31, 2012, ensuring rent is paid in full to the end of the tenancy.

Both parties acknowledge that this agreement in no way determines the disbursement of the Tenant's security deposit and the deposit is to be administered in accordance with section 38 of the Act.

In support of this settlement I award the Landlord an Order of Possession effective October 31, 2012. This Order is to be served upon the Tenants and only becomes effective upon completion of the requirements of the settlement agreement listed above. If the Landlord fails to ensure the unit is free from cockroaches, as agreed above then this Order of Possession becomes void and is of no force or effect.

The Tenants have been awarded a Monetary Order in the amount of \$750.00. This Order is not dependant on the completion of the above items and is of full force and effect as of October 31, 2012 after it has been served upon the Landlord.

Conclusion

The Landlord has been issued an Order of Possession effective **October 31, 2012**, after completion of the terms of the settlement agreement and service upon the Tenants.

The Tenants have been awarded a Monetary Order in the amount of **\$750.00**. This Order is legally binding effective **October 31, 2012**, and must be served upon the Landlord.

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: July 27, 2012.

Residential Tenancy Branch