



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNC, FF

### Introduction

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- cancellation of the landlords' 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47; and
- authorization to recover their filing fee for this application from the landlords pursuant to section 72.

Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to make submissions and to cross-examine one another. Tenant TN (the tenant) who was acting for both tenants at this hearing confirmed that both tenants were handed the landlords' 1 Month Notice on June 18, 2012. The landlords confirmed that the tenants handed one of the caretakers for this rental property a copy of the tenants' dispute resolution hearing package on June 27, 2012. I am satisfied that these documents were served to one another in accordance with the *Act*.

At the hearing, the landlords requested an Order of Possession if the tenants' application to cancel the 1 Month Notice were dismissed.

### Issues(s) to be Decided

Should the landlords' 1 Month Notice be cancelled? If not, are the landlords entitled to an Order of Possession? Are the tenants entitled to recover their filing fee for this application from the tenant?

### Background and Evidence

This one-year fixed term tenancy commenced on November 1, 2011. The tenant commenced living in this rental unit with his mother on another tenancy agreement approximately one year earlier. Monthly rent is currently set at \$1,400.00, payable in advance on the first of each month. The landlords continue to hold the tenants' \$700.00 security deposit paid on or about November 1, 2010.

### Analysis

Pursuant to section 63 of the *Act*, the dispute resolution officer may assist the parties to settle their dispute and if the parties settle their dispute during the dispute resolution proceedings, the settlement may be recorded in the form of a decision or an order. During the hearing, the parties discussed the issues between them, engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

1. Both parties agreed that this tenancy will end by August 31, 2012, by which time the tenants will have vacated the rental premises.
2. Both parties agreed that this settlement agreement constituted a final and binding resolution of all issues in dispute at this time arising out of this tenancy.

### Conclusion

To give effect to the settlement reached between the parties and as discussed at the hearing, I issue the attached Order of Possession to be used by the landlords if the tenants do not vacate the rental premises in accordance with their agreement. Should the tenants fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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 16, 2012

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Residential Tenancy Branch