



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 an Application for Dispute Resolution under the *Residential Tenancy Act* (the “*Act*”) by the tenants to cancel a Notice to End Tenancy for Cause, and to recover the filing fee.

The landlords, and the female tenant appeared at the hearing, gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions to me.

Settlement Agreement

Section 63 of the *Act*, states:

Opportunity to settle dispute

- 63** (1) The director may assist the parties, or offer the parties an opportunity, to settle their dispute.
- (2) If the parties settle their dispute during dispute resolution proceedings, the director may record the settlement in the form of a decision or an order.

During the hearing, the parties agreed to settle these matters, on the following conditions:

- 1) The tenancy will end on **February 28, 2013 at 1:00 p.m.** (original agreement during the hearing was February 29, 2013, however in 2013, the month of February only has 28 days so the agreement reverts to the last day of the month)
- 2) The tenants will provide vacant possession of the rental unit to the landlords no later than **February 28, 2013 at 1:00 p.m.**
- 3) The parties will meet at the rental unit to participate in a move-out condition inspection on February 28, 2013 at 1:00 p.m.

- 4) The tenants agree to repair any damage to the yard of the rental unit before the end of the tenancy.

I **do not** grant the tenants the recovery of the filing fee due to the mutually settled agreement.

Conclusion

I grant the landlords an order of possession effective **February 28, 2013 at 1:00 p.m.** The tenants must be served with the order of possession. 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.

For the benefit of both parties, I am including a copy of *A Guide for Landlords and Tenants in British Columbia* with my Decision.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: October 12, 2012

Residential Tenancy Branch