



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, FF, O

Introduction

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

- a monetary order for compensation for damage or loss under the *Act*, regulation or tenancy agreement pursuant to section 67;
- authorization to recover their filing fee for this application from the landlords pursuant to section 72; and
- other remedies, which they identified in their application for dispute resolution as a request to end their fixed term tenancy by March 1, 2013.

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. The landlords confirmed that Tenant GB handed Landlord JV copies of the tenants' dispute resolution hearing package on December 7, 2012. I am satisfied that the tenants served the landlords with copies of these packages in accordance with the *Act*.

Although there were disagreements as to whether Tenant GB handed Landlord JV copies of the tenants' written evidence package on December 19, 2012 as Tenant GB asserted, this issue is of no consequence as the parties reach a settlement agreement.

Issues(s) to be Decided

Are the tenants entitled to a monetary award for damages and losses arising out of this tenancy? Are the tenants entitled to recover their filing fee for this application from the landlords? Should any other orders be issued with respect to this tenancy?

Background and Evidence

This one-year fixed term tenancy commencing on May 1, 2012 is scheduled to end by April 30, 2013. Monthly rent is set at \$1,575.00, payable in advance on the first of each month. The landlords continue to hold the tenants' \$787.50 security deposit paid by three cheques provided to the landlords between May 1, 2012 and September 3, 2012.

The tenants applied for a monetary award of \$5,000.00 for the landlords' alleged harassment during this tenancy. They also requested an order to terminate their tenancy agreement by March 1, 2013.

Analysis

Pursuant to section 63 of the *Act*, the Arbitrator 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.

Both parties agreed to a resolution of all issues in dispute between them including the tenants' application for dispute resolution under the following terms:

1. Both parties agreed that this tenancy will end by 1:00 p.m. on February 28, 2013, by which time the tenants will have vacated the rental premises.
2. The tenants agreed to withdraw their application for a monetary award without leave to reapply.
3. The landlords agreed that they will not pursue any monetary award for unpaid rent or loss of rent for March 2013 or April 2013.
4. Both parties agreed that this settlement agreement constituted a final and binding resolution of all issues currently in dispute arising out of this tenancy (including the tenants' application for a monetary award for damages and losses 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 tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia. As per the terms of the settlement agreement reached between the parties, the tenants' application for a monetary award is withdrawn. 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: January 04, 2013

Residential Tenancy Branch

