



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, MNDC, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenants to cancel a Notice to End tenancy for Cause (the, “notice”) and for a monetary order for compensation for loss under the Act.

Both parties appeared, gave 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 at the hearing.

Preliminary Issue

The tenants’ application for dispute resolution list three tenants, however, these are not joint tenants as each tenant has a separate tenancy agreement with the landlord and the tenants were required to file separate applications.

In this case, each tenant was served with a notice for cause; the reason noted on the notice was the rental unit must be vacated to comply with government order. However, as the parties were able to reach a settlement agreement, I find in the interest of administrative fairness to record the settlement agreement on behalf of the parties.

The tenant (XZ) has moved-out of the rental unit. Therefore, I find it not necessary to deal with the tenant’s (XZ) application to cancel the notice, as the tenancy has ended.

Settlement Agreement

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

1. The parties agreed to mutual end the tenancy effective January 31, 2013 at 1:00 pm;
2. The landlord in “good faith” have waived the tenants requirement to pay rent for January 2013;
3. The parties agreed the tenants are to have access to the common areas and if there is any problems with access to these areas the tenants are required to contact the landlord by telephone – the landlord agreed to respond to any such telephone calls. The tenants are not to communicate with the upstairs tenant; and

4. The parties agreed this settlement agreement is a **full and final agreement** of all issue relating to the above tenancies.

This settlement agreement was reached in accordance with section 63 of the *Residential Tenancy Act*.

Conclusion

As a result of the above agreement, the landlord is granted an order of possession effective January 31, 2013 at 1:00 P.M.

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 03, 2013.

Residential Tenancy Branch

