



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

For the tenants: OLC, RPP, PSF, MNDC

For the landlord: OPL, OPC, MND, MNSD, MNDC, FF

Introduction

This hearing was convened as a result of the cross applications of the parties for dispute resolution under the Residential Tenancy Act (the "Act").

The tenants applied for an order requiring the landlord to comply with the Act, an order requiring the landlord to return the tenants' personal possessions, an order requiring the landlord to provide services or facilities required by law and a monetary order for money owed or compensation for damage or loss.

The landlord applied an order of possession due to another use of the property by the landlord, an order of possession for the rental unit due to alleged cause, a monetary order for damage to the rental unit and for money owed or compensation for damage or loss, for authority to retain the tenants' security deposit, and for recovery of the filing fee.

The hearing process was explained to the parties and an opportunity was given to ask questions about the hearing process.

The parties each submitted a portion of their respective positions.

Thereafter a mediated discussion ensued and the parties agreed to resolve their differences.

Issue(s) to be Decided

Will the tenants agree to vacate the rental unit and will the landlord be issued an order of possession?

Are the tenants entitled to compensation and will they be issue a monetary order?

Can the parties reach a mutual agreement to resolve this dispute?

Settled Agreement

The tenants and the landlord agreed that they could resolve their differences and reach a mutual settlement under the following terms and conditions:

1. The tenants agree to vacate the rental unit by 1:00 p.m. on April 30, 2013;
2. The landlord agrees that the tenancy will continue until April 30, 2013, at 1:00 p.m.;
3. The tenants understand the landlord will be issued an order of possession for the rental unit, based upon the settled agreement, and that if the tenants fail to vacate the rental unit by 1:00 p.m., April 30, 2013, the landlord may serve the order of possession on the tenants and obtain a writ of possession;
4. The landlord agrees to not serve the order of possession on the tenants unless the tenants fail to vacate the rental unit 1:00 p.m. on April 30, 2013;
5. The landlord agrees to pay the tenants the amount of \$900 on or before 1:00 p.m. April 30, 2013, in a money order or bank draft form, payable to the tenant, JM;
6. The landlord understands that the tenants will be issued a monetary order in the amount of \$900, due on or before April 30, at 1:00 p.m.;
7. The landlord understands that if she fails to pay the tenants the amount of \$900 on or before 1:00 p.m., April 30, 2013, the tenants may serve the monetary order upon the landlord; and
8. The parties acknowledge their understanding that this settled Decision resolves the matters contained in the tenants' application and the landlord's application and that no finding is made on the merits of either of the said applications for dispute resolution.

Conclusion

The tenant and the landlord have reached a settled agreement.

Based upon the settled agreement as outlined above, I provide the tenants with a monetary order for \$900.

The final, legally binding monetary order in the amount of \$900 is enclosed with the tenants' Decision.

Should the landlord fail to pay the tenants this amount by the agreed upon time, the monetary order must be served upon the landlord and may be filed in the Provincial Court of British Columbia (Small Claims) for enforcement as an Order of that Court. The landlord is advised that costs of enforcement may be recoverable from the landlord.

Based upon the settled agreement as outlined above, I provide the landlord with an order of possession for the rental unit in the event the tenants fail to vacate the rental unit by April 30, 2013, at 1:00 p.m.

The order of possession is enclosed with the landlord's Decision. This order is a legally binding, final order, and may be filed in the Supreme Court of British Columbia for enforcement as an order of that Court should it become necessary. The tenants are advised that costs of such enforcement may be recoverable from the tenants.

This settlement agreement was reached in accordance with section 63 of the *Residential Tenancy Act*. The parties are bound by the terms of this agreement, as well as by the terms of their tenancy agreement and the Act. Should either party violate the terms of this settled agreement, the tenancy agreement or the Act, it is open to the other party to take steps under the Act to seek remedy.

This settled agreement 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* and is being mailed to both the applicant and the respondent.

Dated: April 26, 2013

Residential Tenancy Branch