



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, OLC and FF

Introduction

By application of January 30, 2013, the tenants seek to have set aside a Notice to End Tenancy for landlord use dated April 13, 2013 and setting an end of tenancy date of June 14, 2013. The tenants also sought an order that the landlord comply with the legislation and rental agreement.

Issue(s) to be Decided

Was the Notice to End for landlord use issued in good faith and should it be upheld or set aside?

Background and Evidence

This tenancy has been underway since September 2005 and the present landlords took possession of the rental property the following year. Rent is currently \$875 per month and the landlords hold a security deposit of \$450 and a pet damage deposit of \$400 paid on September 12, 2005 and September 18, 2005 respectively.

Section 63 of the Act provides that:

- (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.

In the present matter, the parties availed themselves of the opportunity to come to a settlement agreement under the following terms:

Settlement Agreement

1. The tenants agree to vacate the rental unit at 1 p.m. on July 31, 2013;
2. The parties understand and agree that the landlord will be issued with an enforceable Order of Possession in support of this agreement;
3. The landlords agree that the tenants remain eligible for the compensation and consideration provided by sections 50 and 51 of the Act for tenants who have received notice to end the tenancy for landlord use;
4. The tenants give assurance of their cooperation and care of the rental unit for the balance of the tenancy.

Conclusion

The landlord's copy of this decision is accompanied by an Order of Possession, enforceable through the Supreme Court of British Columbia to take effect at 1 p.m. on July 31, 2013. The landlord must serve the tenants with the order.

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: May 14, 2013

Residential Tenancy Branch