



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Vancouver Eviction Services
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes For the tenants: RP, CNC, OLC, LAT
For the landlords: MNSD, OPR, OPC, MNR, 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 make repairs to the rental unit, for an order cancelling the landlord's 1 Month Notice to End Tenancy for Cause, for an order requiring the landlord to comply with the Act, and for an order authorizing the tenant to change the locks to the rental unit.

The landlords applied for authority to retain the tenants' security deposit, a monetary order for unpaid rent, an order of possession for the rental unit due to unpaid rent, an order of possession for the rental unit due to alleged cause, and for recovery of the filing fee.

The landlords appeared first in the hearing and the hearing proceeded. The tenant appeared 13 minutes after the hearing had begun.

After a lengthy hearing on the landlords' Notices to end the tenancy, a mediated discussion ensued and the parties agreed that their differences could be resolved.

Settled Agreement

The tenant and the landlords reached a mutual settlement under the following terms and conditions:

1. The tenant agrees to vacate the rental unit by 1:00 p.m. on July 31, 2013;
2. The landlord agrees that the tenancy will continue until July 31, 2013, at 1:00 p.m.;

3. The tenant understands the landlord will be issued an order of possession for the rental unit, based upon the settled agreement, and that if the tenant fails to vacate the rental unit by 1:00 p.m., July 31, 2013, the landlord may serve the order of possession on the tenant and obtain a writ of possession;
4. The landlord/owner acknowledged that they have possession of a cheque for one half of the rent for July 2013, which they will deposit, and the tenant agrees that he is to pay the balance of the rent, \$400, by the end of the business day on July 8, 2013, by cash, certified funds, or a money order;
5. The landlord understands that they are to accept the balance of the rent owing given by the tenant;
6. The landlord understands that the tenant is to be given quiet enjoyment of his rental unit, free from interference from the landlord for the balance of the tenancy; and
7. The parties acknowledge their understanding that this settled Decision resolves the matters contained in the tenants' application and the landlords' and that no finding is made on the merits of the said applications for dispute resolution or the landlords' Notices.

Conclusion

The tenant and the landlords have reached a settled agreement.

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 tenant fails to vacate the rental unit by July 31, 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 tenant is advised that the costs of such enforcement are recoverable from the tenant.

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 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* and is being mailed to both the parties.

Dated: July 05, 2013

Residential Tenancy Branch

