



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC FF

Introduction

This hearing dealt with an Application for Dispute Resolution filed on August 29, 2013 and amended on September 5, 2013, by the Tenants. The Tenants filed to obtain an Order to cancel a notice to end tenancy issued for cause and to recover the cost of the filing fee from the Landlords for this application.

The parties appeared at the teleconference hearing, acknowledged receipt of evidence submitted by the other and gave affirmed testimony. At the outset of the hearing I explained how the hearing would proceed and the expectations for conduct during the hearing, in accordance with the Rules of Procedure. Each party was provided an opportunity to ask questions about the process however, each declined and acknowledged that they understood how the conference would proceed.

During the hearing each party was given the opportunity to provide their evidence orally, respond to each other's testimony, and to provide closing remarks. A summary of the testimony is provided below and includes only that which is relevant to the matters before me.

Issue(s) to be Decided

Have the parties agreed to settle these matters?

Background and Evidence

The parties confirmed they entered into a fixed term tenancy agreement that began on August 1, 2013 and was for a fixed period of one year. Rent is payable on the first of each month in the amount of \$1,050.00 and on or before August 1, 2013 the Tenants paid \$525.00 as the security deposit.

During the course of this proceeding the parties agreed to settle these matters.

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 agreed to settle these matters on the following terms:

- 1) The Tenants withdrew their application in favor of a settlement;
- 2) The parties mutually agreed to end the tenancy effective November 30, 2013, at 1:00 p.m.; and
- 3) The Tenants agreed that, no smoking of any substance would be conducted on the property and effective immediately, they will not enter the property or rental unit until at least thirty (30) minutes after they last smoked any type of substance.

In favour of the settlement agreement the Landlord will be issued an Order of Possession effective November 30, 2013.

Conclusion

The Landlord has been issued an Order of Possession effective November 30, 2013. This Order is legally binding and must be served upon the Tenants.

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: October 16, 2013

Residential Tenancy Branch

