



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

OPR MNR FF
DRI CNC CNR MNDC OLC RP LRE FF

Introduction

This hearing dealt with cross Applications for Dispute Resolution filed by both the Landlords and the Tenant.

The parties appeared at the teleconference hearing and gave affirmed testimony. The Landlord confirmed receipt of the Tenant's evidence and confirmed they did not serve the Tenants with copies of their evidence.

Failing to serve the other party with their evidence is a contravention of section 4.1 of the *Residential Tenancy Branch Rules of Procedure*. Considering evidence that has not been served on the other party would create prejudice and constitute a breach of the principles of natural justice. Therefore, as the Tenant has not received copies of the Landlords' evidence I find that the Landlords' evidence cannot be considered in my decision. I did however consider the Landlords' 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

During the course of this proceedings both 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 achieved a resolution of their dispute as follows:

- 1) Both parties agreed to withdraw their applications for dispute resolution in favor of this settlement agreement;
- 2) The parties mutually agreed to end this tenancy effective November 30, 2013;
- 3) The Landlords agreed to pay the Tenant \$300.00 as full compensation for the additional rent increase which was paid by the Tenant during this tenancy;
- 4) The Landlords agreed to provide the Tenant with copies of receipts to the Tenant for rent paid from the onset of this tenancy in 2011 to November 2013.

In support of the above settlement agreement, the Landlords will be issued an Order of Possession and the Tenant will be issued a monetary Order.

Conclusion

The Landlords have been issued an Order of Possession effective November 30, 2013. This Order is legally binding and must be served upon the Tenant. In the event that the Tenant does not comply with this Order it may be filed with the Province of British Columbia Supreme Court and enforced as an Order of that Court.

The Tenant has been issued a Monetary Order in the amount of **\$300.00**. This Order is legally binding and must be served upon the Landlords. In the event that the Landlords do not comply with this Order it may be filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

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: November 20, 2013

Residential Tenancy Branch

