



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR, CNC, FF

### Introduction

This hearing was convened as the result of the tenants' application for dispute resolution under the Residential Tenancy Act (the "Act") seeking an order cancelling a 10 Day Notice to End Tenancy for Unpaid Rent (the "Notice"), seeking an order cancelling the landlords' 1 Month Notice to End Tenancy for Cause (the "Notice"), and for recovery of the filing fee.

All parties appeared, gave preliminary information and agreed to explore a settlement of the issues.

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

### Issue(s) to be Decided

Will the tenants agree to vacate and will the landlords be issued an order of possession?

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

### Settled Agreement

The tenants and the landlords 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 January 31, 2014;
2. The landlords agree that the tenancy will continue until January 31, 2014, at 1:00 p.m.;

3. The tenants understand that the landlords 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., January 31, 2014, the landlords may serve the order of possession on the tenants and obtain a writ of possession;
4. The landlords agree to not serve the order of possession on the tenants unless the tenants fail to vacate the rental unit 1:00 p.m. on January 31, 2014;
5. The parties understand that they may make alternate arrangements concerning shortening or extending the tenancy before or beyond January 31, 2014, as long as such mutual agreement is signed and dated by all parties;
6. The parties understand that while this tenancy continues, all parties remain under their obligations and are entitled to their rights through the Residential Tenancy Act;
7. The parties understand that the rent increase of \$50 per month, due to the timing of the issuance of the Notice of Rent Increase as explained at the hearing, would not have gone into effect until November 30 and therefore the tenants overpaid rent by \$50 for November;
8. The parties understand that the tenants may deduct \$50 from their rent payment due on November 30, 2013, for the rent for December due to the overpayment, meaning rent for December will be \$1350, and that rent for January 2014, will be \$1400; and
9. The parties acknowledge their understanding that this settled Decision resolves the matters contained in the tenants' application and that no finding is made on the merits of the said application for dispute resolution or the landlords' Notices.

### Conclusion

The tenants and the landlords have reached a settled agreement.

Based upon the settled agreement as outlined above, I provide the landlords with an order of possession for the rental unit in the event the tenants fail to vacate the rental unit by January 31, 2014, at 1:00 p.m.

The order of possession is enclosed with the landlords' 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.

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 applicants and the respondents.

Dated: November 13, 2013

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Residential Tenancy Branch

