



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes: CNC, MNDC, OLC, FF  
OPC

### Introduction

This hearing was scheduled in response to an application by the tenants for cancellation of a 1 month notice to end tenancy for cause / a monetary order as compensation for damage or loss under the Act, Regulation or tenancy agreement / an order instructing the landlord to comply with the Act, Regulation or tenancy agreement / and recovery of the filing fee. Both parties attended and gave affirmed testimony.

During the hearing the landlord confirmed that she seeks an order of possession in the event the tenants' application does not succeed.

### Issue(s) to be Decided

Whether either party is entitled to any of the above under the Act, Regulation or tenancy agreement.

### Background and Evidence

The unit which is the subject of this dispute is the basement portion of a house. The upper portion of the house is rented to others.

Pursuant to a written tenancy agreement, the tenancy began on January 01, 2013. Monthly rent of \$900.00 is due and payable in advance on the first day of each month, and a security deposit of \$450.00 was collected.

A previous hearing was held in a dispute between these parties on September 09, 2013, with a decision issued by that same date (file #810717). In summary, the tenants succeeded in having the landlord's 1 month notice to end tenancy for cause set aside.

Pursuant to section 47 of the Act which speaks to **Landlord's notice: cause**, the landlord issued a further 1 month notice to end tenancy for cause dated January 15,

2014. A copy of the notice was submitted in evidence. Reasons identified on the notice in support of its issuance are as follows:

Tenant or a person permitted on the property by the tenant has:

significantly interfered with or unreasonably disturbed another occupant or the landlord

seriously jeopardized the health or safety or lawful right of another occupant or the landlord

Tenant has engaged in illegal activity that has, or is likely to:

adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant or the landlord

The tenants filed an application to dispute the notice on January 23, 2014.

During the hearing the parties undertook to resolve their dispute.

### Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, forms and more can be accessed via the website: [www.rto.gov.bc.ca](http://www.rto.gov.bc.ca)

Section 63 of the Act speaks to the **Opportunity to settle dispute**, and provides that the parties may attempt to settle their dispute during a hearing. Pursuant to this provision, discussion led to a resolution and it was specifically agreed as follows:

### **RECORD OF SETTLEMENT**

- that the tenants will vacate the unit by not later than **June 30, 2014**, and that an **order of possession** will be issued in favour of the landlord to that effect;
- that the tenants will pay the landlord **\$300.00** and that a **monetary order** will be issued in favour of the landlord to that effect;
- that the above payment will be made by not later than **midnight, Friday, March 14, 2014**;

- that the above payment discharges the tenants' full responsibility for **hydro up to and including February 28, 2014**;
- that the above particulars comprise **full and final settlement** of all issues in dispute that are currently before me.

As the parties achieved a mutual agreement to resolve their dispute, I find that the \$50.00 filing fee paid by the tenants ought to be equally shared by the landlord. Accordingly, I order that the tenants may recover half the filing fee by way of withholding **\$25.00** from the next regular payment of monthly rent.

In anticipation of the end of tenancy, the attention of the parties is drawn to the following particular sections of the Act:

Section 37: **Leaving the rental unit at the end of a tenancy**

Section 38: **Return of security deposit and pet damage deposit**

### Conclusion

I hereby issue an **order of possession** in favour of the landlord effective not later than **Monday, June 30, 2014**. This order must be served on the tenants. Should the tenants fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$300.00**. Should it be necessary, this order may be served on the tenants, filed in the Small Claims Court and enforced as an order of that Court.

I hereby order that the tenants may withhold **\$25.00** from the next regular payment of monthly rent.

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: March 11, 2014

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Residential Tenancy Branch

