



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT, CNC

Introduction

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- more time to make an application to cancel the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 66; and
- cancellation of the landlord's 1 Month Notice pursuant to section 47.

Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to make submissions, to call witnesses and to speak with one another. The female tenant confirmed that the landlord handed her a 1 Month Notice on April 2, 2014. The landlord confirmed that the male tenant handed her a copy of the tenants' dispute resolution hearing package on June 26, 2014. Although the tenants were very late in serving their hearing package to the landlord, they did serve the landlord with a copy of this package in accordance with section 89(2) of the *Act*. At the hearing, the landlord requested the issuance of an Order of Possession based on the 1 Month Notice if the tenants' application were dismissed.

Issues(s) to be Decided

Should the landlord's 1 Month Notice be cancelled? If not, is the landlord entitled to an Order of Possession?

Background and Evidence

This periodic tenancy began on September 1, 2013. Monthly rent is set at \$775.00, payable in advance on the first of each month. The landlord continues to hold the tenants' \$387.50 security deposit paid when this tenancy started. The tenants entered into written evidence a copy of the 1 Month Notice in which the landlord required this tenancy to end by May 31, 2014. The 1 Month Notice sought an end to this tenancy for the following reasons:

Tenant has allowed an unreasonable number of occupants in the unit/site

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;*
- *put the landlord's property at significant risk.*

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 engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute. Both parties agreed to resolve all issues in dispute arising out of this tenancy under the following final and binding terms:

1. Both parties agreed that this tenancy will end by 1:00 p.m. on July 15, 2014, by which time the tenants will have vacated the rental unit.
2. The tenants agreed to pay \$387.50 in rent for July 2014 by July 5, 2014.
3. The landlord agreed that the rent for this tenancy for July 2014 will be set at \$387.50, if this amount is paid to the landlord by July 5, 2014.
4. Both parties agreed that this settlement agreement constituted a final and binding resolution of the tenants' application for dispute resolution and all issues currently under dispute in this tenancy.

Conclusion

To give effect to the settlement reached between the parties and as discussed at the hearing, I issue the attached Order of Possession to be used by the landlord if the tenants do not vacate the rental premises in accordance with their agreement. The landlord is provided with these Orders in the above terms and the tenant(s) must be served with this Order in the event that the tenants do not vacate the premises by the time and date set out in their agreement. Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of B.C. 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: June 30, 2014

Residential Tenancy Branch

