



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

### Dispute Codes

For the tenants: AAT CNC OPT RR FF  
For the landlord: OPC MNR FF

### Introduction

This hearing was convened as a result of the cross-applications of the parties for dispute resolution under the *Residential Tenancy Act* (the “Act”). The landlord applied for an order of possession for cause, for a monetary order for unpaid rent or utilities, and for recovery of the filing fee. The tenants applied to cancel a 1 Month Notice to End Tenancy for Cause, for an order allowing access to (or from) the unit or site for the tenants or the tenants’ guests, for an order to obtain an order of possession of the rental unit or site, for an order allowing the tenants to reduce rent for repairs, services or facilities agreed upon but not provided, and for recovery of the filing fee.

The tenants, legal counsel for the tenants, and the landlord attended the teleconference hearing. The parties gave affirmed testimony, were provided the opportunity to present their evidence orally and in documentary form prior to the hearing, and make submissions to me.

### Settlement Agreement

During the hearing, the parties agreed to settle these matters on the following conditions:

1. The parties agree that the tenancy will end on **June 30, 2014 at 1:00 p.m.**
2. The landlord is granted an order of possession effective **June 30, 2014 at 1:00 p.m.** The tenants must be served with the order of possession and the parties agree that the tenants will be served through the tenants’ legal counsel, “HH” by fax or e-mail. The e-mail address of “HH” was confirmed during the hearing.

3. The parties agree to withdraw their respective applications in full, and waive their respective filing fees.
4. The parties agree that the landlord will return **\$700.15** of the tenants' \$800.00 security deposit, which has accrued \$0.00 in interest, by **June 30, 2014 at 1:00 p.m. to be paid in cash**, which reflects a \$99.85 deduction for unpaid hydro and gas utilities. The parties agree that the amount of \$700.15 to be paid to the tenants also reflects a \$0.00 balance owing by the tenants for utilities up to June 30, 2014. The tenants agree to issue the landlord a receipt for cash received from the landlord.
5. The tenants agree to have the rental unit carpets professionally cleaned by **June 30, 2014 at 1:00 p.m.**
6. The landlord waives any rights to apply for compensation regarding alleged additional occupants in the rental unit.
7. The parties agree that the tenants waive any rights to one month's compensation pursuant to sections 49 and 51 of the *Act*.
8. The parties agree to meet at the rental unit on June 30, 2014 at 1:00 p.m., for the purposes of completing an outgoing condition inspection report and for the return of the rental unit keys.
9. The tenants are granted a monetary order pursuant to section 67 of the *Act* in the amount of **\$700.15, which will be of no force or effect** if the landlord pays the tenants in accordance with #4 above, and the tenants successfully receive the payment of \$700.15 from the landlord.

This settlement agreement was reached in accordance with section 63 of the *Residential Tenancy Act*.

### Conclusion

I order the parties to comply with the terms of their settlement agreement described above.

The landlord has been granted an order of possession effective June 30, 2014 at 1:00 p.m. This order must be served on the tenants in accordance with #2 above, and the order of possession may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

The tenants have been granted a monetary order pursuant to section 67 of the *Act* in the amount of \$700.15, which will be of no force or effect if the landlord pays the tenants in accordance with #4 above, and the tenants successfully receive the payment of

\$700.15 from the landlord. Should the tenants require enforcement of the monetary order, the landlord must be served with the monetary order, and the monetary order may be filed in the Provincial Court (Small Claims) and enforced as an order of that court.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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 26, 2014

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Residential Tenancy Branch

