



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

AMENDED DECISION

Codes: AS, FF, OLC, PSF, RR, RP

Introduction:

The tenants have made a claim for repair to the unit, rent reduction, an Order that the landlord permit an assignment, order to comply, compensation for quiet enjoyment and an Order to provide services.

Facts:

Both parties attended a conference call hearing. A fixed term tenancy began on September 1, 2014 ending on August 31, 2015 with rent in the amount of \$ 1,275.00 due in advance on the first day of each month. The tenants paid a security deposit and pet deposit totalling \$ 640.00 on August 7, 2014. The tenants vacated the unit on September 30, 2014 and entered into a sub tenancy agreement with new tenants for the remainder of the term.

Settlement:

The parties settled this matter and they have asked that I record the agreement pursuant to section 63(2) as follows:

- a. In satisfaction for all claims the landlords and tenants now have or may have arising from this tenancy the parties agree that the tenancy between the landlords and AM and DM is at an end, and the landlords will assign the current tenancy on the same terms commencing October 1, 2014 and ending on August 31, 2015 to the tenants currently residing in the unit,
- b. If the new tenants currently residing in the unit refuse to execute an assignment, their tenancy will continue as per the sub lease dated September 24, 2014 until August 31, 2105,

- c. If the tenancy continues on a month to month basis, AM and DM may be responsible for any loss of revenue that the landlords may incur up to and including August 31, 2015,
- d. The tenants AM and DM have abandoned all claims they made in this application,
- e. The parties shall exchange the security deposits they each have: the landlords from DM and AM and AM and DM from the new tenants and are bound by section 38 of the Act,
- f. There shall be not further claims made by the parties arising from this tenancy except in accordance with paragraph c. herein, and
- g. The sub tenancy commencing October 1, 2014 between DM, AM and the current tenants occupying the unit is ended if the new tenants agree to the assignment as contemplated in paragraph a. herein.

Conclusion:

As a result of the settlement I ordered that the tenancy between the landlords and tenants ended on September 30, 2014 and that the landlords shall assign their tenancy on the same terms to the tenants currently residing in the unit. If the assignment is not agreed to by the new tenants then the tenancy continues as a subtenancy and AM and DM are subject to paragraph c. herein. There shall be no order as to reimbursement of the filing fee. I have dismissed all other claims made by the tenants with leave to reapply.

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 10, 2014

Residential Tenancy Branch

