



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This hearing was convened in relation to the tenants' application to cancel a 1 Month Notice to End Tenancy for Cause (the 1 Month Notice).

Both tenants and their advocate and both landlords appeared. The landlords did not dispute receiving notice of this hearing.

In the course of the hearing the tenants and landlords were able to agree to conditions regarding an end to this tenancy.

Analysis

Pursuant to section 63 of the Act, an 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 discussed the issues between them, engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

During this hearing, the parties reached an agreement to settle their dispute under the following final and binding terms:

1. The tenants agreed to withdraw their application.
2. The landlord agreed to withdraw the 1 Month Notice.
3. Both parties agreed that this tenancy will end by one o'clock in the afternoon on 31 January 2015, by which time the tenants will have vacated the rental premises.
4. The tenants and landlord agreed that:

- a. this agreement is binding and takes effect immediately;
 - b. there will be no contact between the landlords and the tenant KJ;
 - c. future contact between the landlords and tenants will be conducted with the utmost respect;
 - d. they will observe quiet hours between 2300 and 0800;
 - e. there will be social events on 6 January 2015 and 16 January 2015 that may be noisier than normal, but that both parties will exercise patience with each other; and
 - f. that the tenants will keep the backyard free from cigarette or other waste, but if the landlords find cigarette or other waste in the backyard, they will contact the tenant JR, who will arrange to clean up the waste as soon as possible.
5. The tenants agreed:
- a. to pay January's rent on time;
 - b. to remove all their possessions from the residential property on or before one o'clock in the afternoon on 31 January 2015;
 - c. to keep the music volume at a level low enough so that it cannot be heard from outside the unit; and
 - d. that, before filing any claims with the Residential Tenancy Branch, they will contact their advocate who will approach the landlords and act as a mediator between the tenants and landlords on the issue(s).

The tenants' advocate agreed that she would aid this agreement in the following ways:

- 1. to assist the tenants with finding new housing;
- 2. to report to the landlords weekly to apprise them as to the progress made finding the tenants new housing;
- 3. to assist the tenants with their move from the rental unit; and
- 4. to act as an intermediary between the landlords and tenants.

The parties agreed that these particulars comprise the full and final settlement of all aspects of their disputes for both parties.

Conclusion

The tenants' application is withdrawn. The landlords' 1 Month Notice is cancelled

The attached order of possession is to be used by the landlords if the tenant(s) do(es) not vacate the rental premises in accordance with their agreement. The landlords are provided with this order in the above terms and the landlords should serve the tenant(s) with this order so that they may enforce it in the event that the tenant(s) do(es) 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 British Columbia.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under subsection 9.1(1) of the Act.

Dated: December 19, 2014

Residential Tenancy Branch

