



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF (Landlord's Application)
 CNR, MNDC, MNSD (Tenant's Application)

Introduction

This hearing convened as a result of cross applications. In the Tenants' Application for Dispute Resolution, filed November 28, 2014, they sought an order canceling a Notice to End Tenancy for non-payment of rent, a monetary order for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement, and an order for return of the security deposit.

In the Landlords' Application for Dispute Resolution, filed December 17, 2014, they sought an Order for Possession based on non-payment of rent, a Monetary Order for rent owing and to recover the filing fee.

During the hearing the parties reached a comprehensive settlement. Pursuant to section 63 of the Act I record that settlement in this my decision and resulting Orders. The terms of the Settlement are as follows:

1. The Tenants shall vacate the rental unit on or before 1:00 p.m. on January 10, 2015.
2. The Landlords shall be granted an Order of Possession effective 1:00 p.m. on January 10, 2015.
3. The parties agree that the sum of \$800.00 is owing by the Tenants to the Landlords for unpaid rent up to and including January 10, 2015.
4. Pursuant to section 38(1)(d), the Landlords shall be permitted to retain the \$400.00 security deposit in partial satisfaction of the amounts owing such that a balance of \$400.00 is owing from the Tenants to the Landlords.

5. The Tenants shall pay to the Landlords, on or before January 14, 2014, the sum of \$400.00 and the Landlords are entitled to a Monetary Order for this amount.
6. The Landlords shall be at liberty to apply for further Monetary Orders pursuant to section 67; however, such claims shall be limited to compensation for damage or loss under the Act, and not for unpaid rent for any time period preceding January 10, 2014.
7. Each party shall bear the cost of their own filing fee.

Conclusion

The parties resolved matters by mutual agreement. Pursuant to section 63 of the Act, this settlement is recorded in this my decision and resulting Orders. The Landlords are entitled to an Order of Possession pursuant to section 55 and effective January 10, 2015. The Landlords are entitled to a Monetary Order pursuant to sections 38(1)(d) and 67 in the amount of \$800.00 representing any claim for unpaid rent up to and including January 10, 2015, and are to retain the security deposit in the amount of \$400.00 in partial satisfaction of that amount. The Tenants shall pay to the Landlords the balance, namely \$400.00, by no later than January 14, 2015. The Landlords are at liberty to apply for further Monetary Orders but may not claim unpaid rent for any time prior to January 10, 2015.

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: January 06, 2015

Residential Tenancy Branch

