



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, OLC, FF, MNDC

Introduction

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the Notice to End Tenancy was sufficiently served on the Tenants by posting on November 25, 2014. Further I find that the Application for Dispute Resolution/Notice of Hearing was personally served on the landlord on December 8, 2014. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the tenants are entitled to an order cancelling the one month Notice to End Tenancy dated November 25, 2014?
- b. Whether the tenants are entitled to recover the cost of the filing fee?

Background and Evidence

The tenancy began on September 1, 2013. The tenancy agreement provided that the tenant(s) would pay rent of \$900 per month payable on the first day of each month. The tenant(s) paid a security deposit of \$450 at the start of the tenancy. There is a dispute

as to the amount of the pet damage deposit paid by the tenants. No determination has been made on the amount of the pet damage deposit as neither party presented sufficient evidence on this point.

Settlement:

The parties reached a settlement at the hearing and they asked that I record the settlement pursuant to section 63(2) of the Residential Tenancy Act as follows:

- a. The parties mutually agree to end the tenancy on April 30, 2015.
- b. The parties request the arbitrator to issue an Order for Possession for that date.
- c. The tenants represent they will prepare the rental unit for treatment by an exterminator upon being given proper and sufficient notice by the landlord.

As a result of the settlement I granted an Order for Possession effective April 30, 2015. All other claims in the Application for Dispute Resolution are dismissed.

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

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 07, 2015

Residential Tenancy Branch

