



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CENTURY 21 PRUDENTIAL ESTATES
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPL, MNDC, RP, PSF, FF

Introduction

This hearing convened as a result of cross applications. In the Landlords' Application for Dispute Resolution they sought an Order of Possession based on a 2 Month Notice to End Tenancy for Landlord's Use issued January 26, 2015 (the "Notice"). In the Tenants' Application for Dispute Resolution they sought a Monetary Order for compensation for loss under the Act, regulation or tenancy agreement, an Order that the Landlord make repairs to the unit, site or property, an Order that the Landlord provide services or facilities required by Law, and to recover the filing fee.

Both parties appeared at the hearing. The hearing process was explained and the participants were asked if they had any questions. Both parties provided affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions to me.

During the course of the hearing the parties reached a comprehensive final settlement. I informed the parties that I would record their settlement in this my decision and related Orders and that I would do so pursuant to section 33 of the *Residential Tenancy Act*. The parties were further informed that their settlement was final and that they did not have a right to request a review consideration of my decision recording their settlement pursuant to section 79 of the *Residential Tenancy Act*. The parties confirmed they understood the finality of the settlement and that they were not able to request a review.

Terms of Comprehensive Final Settlement

The parties agreed as follows:

1. The Tenants shall vacate the rental unit by no later than 1:00 p.m. on May 1, 2015.
2. The Landlord shall be granted an Order of Possession effective May 1, 2015. This order may be filed in the Supreme Court and enforced as an order of that Court.

3. The Landlord shall immediately reissue to the Tenants the March 2015 cheque in the amount of \$800.00. The parties acknowledge that this payment is compensation pursuant to the Notice and sections 49 and 51 of the *Residential Tenancy Act*.
4. The Tenants shall not be required to pay rent for the month of April 2015 or for May 2015 provided that they vacate the rental unit by 1:00 p.m. on May 1, 2015.
5. The Landlord is to immediately effect the reinstatement of power, water, heat and hot water.
6. Should the power, water, heat and hot water not be reinstated immediately, the Tenants are at liberty to apply for a further Monetary Order pursuant to section 67 for losses incurred after the date of this hearing.
7. The Landlord is to pay the Tenants by no later than 1:00 p.m. on May 1, 2015 the sum of \$2,700.00 as compensation for the Tenants' losses caused by their lack of power and water up to and including the date of this hearing.
8. The Tenants are to provide the Landlord with their keys by no later than 1:00 p.m. on May 1, 2015.
9. Upon the Landlord paying the Tenants the \$2,700.00 as provided in paragraph 6 above, the Landlord may turn off the power and water on May 1, 2015 at 1:30 p.m. to facilitate the demolition of the rental unit.
10. Should the Tenants not vacate the rental unit by 1:00 p.m. on May 1, 2015, the Landlord shall be at liberty to apply for a Monetary Order pursuant to section 67 for rent for the month of April 2015 and any subsequent months as the case may be.

All other claims in the parties' respective Applications for Dispute Resolution are dismissed as if tried on their merits.

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: April 23, 2015

Residential Tenancy Branch

