



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes RR, CNC, OPC, FF

Introduction

This hearing was convened in response to applications by the landlords and the tenants.

The landlords' application is seeking orders as follows:

1. For an order of possession;
2. For a monetary order for damages to the unit;
3. To keep all or part of the security or pet damage; and
4. To recover the cost of filing the application.

The tenants' application is seeking orders as follows:

1. To cancel a 1 Month Notice to End Tenancy for Cause (the "Notice");
1. For a monetary order for money owed or compensation under the Act;
2. To allow a tenant to reduce rent for repairs; and
3. To recover the cost of filing the application.

Both parties appeared, gave 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 at the hearing.

The parties confirmed receipt of all evidence submissions and there were no disputes in relation to review of the evidence submissions

I have reviewed all evidence and testimony before me that met the requirements of the rules of procedure. I refer only to the relevant facts and issues in this decision.

Preliminary matter

Rule 2.3 of the Residential Tenancy Branch Rules of Procedure authorizes me to dismiss unrelated disputes contained in a single application. In these circumstances both parties have indicated several matters of dispute on their Application for Dispute Resolution, the most urgent

of which is the application to set aside the Notice to End Tenancy. I find that not all the claims on these Applications for Dispute Resolution are sufficiently related to be determined during these proceedings. I will, therefore, only consider the tenants' request to set aside the Notice and the landlords' request for an order of possession at these proceedings. The balances of their respective claims are dismissed, with leave to reapply.

Issues to be Decided

Should the Notice issued on March 11, 2015, be cancelled?
Are the landlords entitled to an order of possession?

Settlement agreement

After 85 minutes of hearing the parties agreed to settle the issues stated above, on the following conditions:

- 1) The parties agreed to mutually end the tenancy effective May 31, 2015 at 1:00pm, the landlords are entitled to an order of possession;
- 2) The parties agreed that the tenants must pay rent for May 2015, on the first of the month, as stated in the tenancy agreement;
- 3) The parties agreed if the tenants can find alternate living accommodations earlier than May 31, 2015, the landlord will return a portion of the rent paid, based on a daily prorated amount; There is no entitlement of return of rent for April 2015, should the tenants vacate during the month of April 2015; and
- 4) The parties agreed if the tenants have vacated the rental unit by April 30, 2015, no further rent is payable.

This settlement agreement was reached in accordance with section 63 of the *Residential Tenancy Act*.

Conclusion

As a result of the above settlement, the landlords are granted an order of possession.

The balances of their respective claims are dismissed 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: April 16, 2015

Residential Tenancy Branch

