



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, CNL, OLC, MNDC, FF

Introduction

This hearing dealt with a tenant's application to cancel a 1 Month Notice to End Tenancy for Cause and two 2 Month Notices to End Tenancy for Landlord's Use of Property; Orders for compliance; and monetary compensation for damage or loss under the Act, regulations or tenancy agreement. Both parties appeared or were represented at the hearing and were provided the opportunity to make relevant submissions, in writing and orally pursuant to the Rules of Procedure, and to respond to the submissions of the other party.

After considerable submissions were heard, the parties reached a mutual agreement in resolution of their dispute. I have recorded the mutual agreement by way of this decision and the Orders that accompany it.

Issue(s) to be Decided

What are the terms of the mutual agreement?

Background and Evidence

The parties mutually agreed to the following terms in resolution of their dispute:

1. The tenancy shall end and the tenants shall return possession of the rental unit to the landlords on or before September 30, 2015. An Order of Possession shall be provided to the landlord with an effective date of September 30, 2015 to serve and enforce as appropriate.
2. The tenants will make their best effort to find other suitable accommodation and return possession of the rental unit to the landlords sooner than September 30, 2015.

3. Upon securing other accommodation as described in term 2 above, the tenants shall give the landlords notice of such as soon as possible; however, notice that is less than one full month shall be accepted.
4. The landlords shall compensate the tenants the sum of \$1,530.00 whether the tenants vacate the rental unit on September 30, 2015 or sooner. Since the tenants' current monthly rent is \$1,230.00 the compensation may be recovered by the tenants by withholding rent otherwise payable for August 2015 and September 2014 with the total withheld rent not to exceed \$1,530.00. Since the parties have agreed that the tenancy may end sooner than September 30, 2015 any balance of the compensation that was not realized by withholding rent is to be paid to the tenants by the landlords upon the tenants returning possession of the unit to the landlords. For further certainty, rent is payable for the days until the tenants return possession of the rental unit to the landlords. The tenants are provided a Monetary Order in the amount of \$1,530.00 that they may serve to enforce any unrecovered balance of the compensation payable to them.

Analysis

Pursuant to section 63 of the Act, I have the authority to assist parties in reaching a settlement agreement during the hearing and to record a settlement agreement in the form of a decision or order.

I have accepted and recorded the mutual settlement agreement reached by the parties during this hearing and make the terms an Order to be binding upon both parties.

In recognition of the mutual agreement, I provide the landlords with an Order of Possession effective September 30, 2015 to serve and enforce as necessary. I also provide the tenants with a Monetary Order in the amount of \$1,530.00. The tenants have been authorized to withhold rent otherwise payable to the landlords in satisfaction of this sum; however, the tenancy may end before the sum is recovered meaning the tenants are at liberty to serve the Monetary Order to enforce payment of any unrealized or unpaid balance of this sum.

The landlords are cautioned that for the remainder of the tenancy the landlord's right to enter the unit is restricted, as provided under section 29 of the Act. Both parties are expected to comply with the provisions of the Act during the remainder of the tenancy.

Conclusion

This dispute was resolved by way of a mutual agreement that I have recorded by way of this decision and the Order that accompany it. I have provided an Order of Possession to the landlords with an effective date of September 30, 2015. I have provided the tenants with a Monetary Order of \$1,530.00 to serve and enforce as necessary.

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: July 17, 2015

Residential Tenancy Branch

