



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes            CNC, FF

### Introduction

This hearing was convened in relation to the tenants' application pursuant to the *Residential Tenancy Act* (the Act) for:

- cancellation of the landlords' 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47; and
- authorization to recover their filing fee for this application from the landlords pursuant to section 72.

All named parties attended. None of the parties raised any issues with service.

### Background and Evidence

This tenancy began in late March 2015. Monthly rent of \$900.00 is due on the first. The landlords continue to hold the tenants' security deposit in the amount of \$450.00 which was collected 15 March 2015.

The tenants rent a suite in the landlords' home.

In mid-June 2015, the landlords noticed that the tenants' barbeque had melted some vinyl siding on the landlords' home. The tenants admit that they caused this damage.

On 27 July 2015, the landlords issued the 1 Month Notice to the tenants. The landlords served the 1 Month Notice in person on 27 July 2015. The 1 Month Notice set out an effective date of 31 August 2015. The 1 Month Notice set out that it was given as the tenant has caused extraordinary damage to the property.

### Analysis

Pursuant to section 63 of the Act, an arbitrator may assist the parties to settle their dispute and if the parties settle their dispute during the dispute resolution proceedings, the settlement may be recorded in the form of a decision or an order. During the hearing the parties discussed the issues between them, engaged in a conversation, turned their minds to compromise and achieved a resolution of this dispute.

During this hearing, the parties reached an agreement to settle their dispute under the following final and binding terms:

1. The tenants agreed to withdraw their application.
2. The landlords agreed to withdraw the 1 Month Notice.
3. The tenants to return possession of the rental unit to the landlords on or before one o'clock in the afternoon on 30 November 2015.
4. The landlords agreed that the tenants will receive as compensation an amount equivalent to November's rent that the tenants will deduct from November rent with the result that no rent is payable for November.
5. The landlords agreed that they would not seek the cost of repairs for the damaged vinyl siding from the tenants.
6. The parties agreed that the end of the tenancy would be dealt with in accordance with the Act.

Each party stated that he or she understood the terms of this agreement and that he or she agreed to this agreement. The parties agreed that these particulars comprise the full and final settlement of all aspects of their disputes for both parties.

#### Conclusion

The tenants' application is withdrawn. The landlords' 1 Month Notice is cancelled.

The attached order of possession is to be used by the landlords if the tenant does not vacate the rental premises in accordance with their agreement. The landlords are provided with a formal copy of an order of possession effective 30 November 2015. Should the tenant(s) fail to comply with this order, this order may be filed and enforced as an order of the Supreme Court of British Columbia.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under subsection 9.1(1) of the Act.

Dated: October 07, 2015

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Residential Tenancy Branch

