



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, FF, O; CNC, MNDC, FF; CNL, FF

Introduction

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

- an order of possession for cause pursuant to section 55;
- authorization to recover their filing fee for this application from the tenant pursuant to section 72; and
- an "other" remedy.

This also hearing was convened in relation to the tenant's application 83**** (the Tenant's First Application) pursuant to the Act for:

- cancellation of the landlords' 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47;
- a monetary order for compensation for damage or loss under the Act, regulation or tenancy agreement pursuant to section 67; and
- authorization to recover his filing fee for this application from the landlords pursuant to section 72.

This also hearing was convened in relation to the tenant's application 84**** (the Tenant's Second Application) pursuant to the Act for:

- cancellation of the landlords' 2 Month Notice to End Tenancy for Landlord's Use of Property (the 2 Month Notice) pursuant to section 49;
- a monetary order for compensation for damage or loss under the Act, regulation or tenancy agreement pursuant to section 67; and
- authorization to recover his filing fee for this application from the landlords pursuant to section 72.

The tenant attended the hearing. The landlord JR attended the hearing and confirmed she had authority to act on behalf of the landlord KR. The landlords were represented by counsel.

At the hearing, the parties indicated that yesterday they reached a settlement agreement in respect of the landlords' application, the Tenant's First Application, and the Tenant's Second Application. The parties agreed to ratify that agreement as a decision of this Branch and augment the agreement to bring greater finality.

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.

Whereas the parties entered into a settlement agreement dated 6 October 2015, the parties reached an agreement to settle their dispute under the following final and binding terms:

1. The tenant agreed to withdraw the Tenant's First Application and Tenant's Second Application.
2. The landlords agreed to withdraw their application.
3. The tenant returned possession of the rental unit to the landlords on 6 October 2015.
4. The landlords paid to the tenant \$3,110.00, which included return of October's rent.
5. The landlords agreed to return the tenant's security deposit to the tenant in the amount of \$400.00.
6. The parties agree that no further claim by either party will be brought in respect of this tenancy, which has now ended.

The tenant stated that he understood the agreement and agreed to it. The landlord JR confirmed she had authority to bind the landlord KR to this agreement. The landlord JR stated that she understood the terms of the agreement and agreed to it. The parties

agreed that these particulars comprise the full and final settlement of all aspects of their disputes for both parties.

Conclusion

The Tenant's First Application is withdrawn. The Tenant's Second Application is withdrawn. The landlords' application is withdrawn.

The monetary order is to be used if the landlord(s) do(es) not pay \$400.00 to the tenant in accordance with their agreement. The tenant is provided with this order in the above terms and the tenant should serve the landlords with this order so that the tenant may enforce it in the event that the landlord(s) do(es) not return the tenant's security deposit as set out in their agreement. Should the landlord(s) fail to comply with this order, this order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

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

Residential Tenancy Branch

