



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding VANCOUVER EVICTION SERVICES  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPR, OPC, MNR, MNSD, MNDC, FF; MT, CNC, CNR, 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 unpaid rent pursuant to section 55;
- an order of possession for cause pursuant to section 55;
- a monetary order for unpaid rent, and for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement pursuant to section 67;
- authorization to retain all or a portion of the tenant's security deposit in partial satisfaction of the monetary order requested pursuant to section 38; and
- authorization to recover their filing fee for this application from the tenant pursuant to section 72.

This hearing was also convened in relation to the tenant's application pursuant to the Act for:

- more time to make an application to cancel the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 66;
- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46;
- cancellation of the landlord's 1 Month Notice pursuant to section 47; and
- authorization to recover her filing fee for this application from the landlords pursuant to section 72.

The tenant appeared. The landlord MP appeared. The agent SA appeared.

In the course of the hearing the tenant indicated that she was in the process of vacating the rental unit. The landlords and tenant agreed to a mutual end to tenancy.

### Preliminary Issue – Amendments

The parties agree that the tenant's minor child AS should not be listed as a party to the applications or as a tenant on the 1 Month Notice or 10 Day Notice. The parties consented to amend both applications and both notices to remove AS.

Pursuant to sections 64 and 68 of the Act, the applications and notices are amended to remove AS.

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

1. The tenant agreed to withdraw her application.
2. The landlords agreed to withdraw their application.
3. The landlords agreed to withdraw the 10 Day Notice.
4. The landlords agreed to withdraw the 1 Month Notice.
5. The tenant agreed to provide possession of the rental unit to the landlords on or before one o'clock in the afternoon on 30 November 2015.
6. The tenant agreed that the landlords would retain her security deposit in the amount of \$800.00.
7. The tenant agreed to pay to the landlords \$4,000.00.

The parties agreed to these terms. 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 application is withdrawn. The landlords' application is withdrawn. The landlord's 1 Month Notice is withdrawn. The landlords' 10 Day Notice is withdrawn.

The monetary order is to be used if the tenant does not pay \$4,000.00 to the landlords in accordance with their agreement. The landlords are provided with this order in the above terms and the landlords should serve the tenant with this order so that the landlords may enforce it in the event that the tenant does not pay the outstanding rent as set out in their agreement. Should the tenant(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.

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 this order in the above terms and the landlords should serve the tenant with this order so that the landlords may enforce it in the event that the tenant does not vacate the premises by the time and date set out in their agreement. Should the tenant 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: November 25, 2015

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Residential Tenancy Branch

