



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNQ, CNL, ERP

### Introduction

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

- cancellation of the landlord's 2 Month Notice to End Tenancy for Landlord's Use of Property (the 2 Month Notice) pursuant to section 49;
- cancellation of the landlord's 2 Month Notice to End Tenancy Because the Tenant Does not Qualify for Subsidized Rental Unit pursuant to section 49.1; and
- an order to the landlord to make emergency repairs to the rental unit pursuant to section 33.

The tenant EM appeared on behalf of both tenants. The landlord JG appeared on behalf of both landlords.

In the course of the parties agreed to an end to tenancy.

### 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 tenants agreed to withdraw their application.
2. The landlords agreed to withdraw the 2 Month Notice.
3. The tenants to provide possession of the rental unit to the landlords on or before one o'clock in the afternoon on 1 December 2015.

4. The landlords agreed to pay to the tenants \$200.00 each (\$400.00 total) as compensation for the repairs that were not completed at the date of this settlement.
5. The landlords agreed to pay to the tenants \$400.00 each (\$800.00 total) as compensation for agreeing to vacate the rental unit.

Each party stated that he understood the terms of this agreement. Each party agreed to the 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The tenants' application is withdrawn. The landlords' 2 Month Notice is withdrawn.

The monetary order is to be used if the landlord(s) do(es) not pay \$600.00 to each of the tenants (\$1,200.00 total) in accordance with their agreement. The tenants are provided with these orders in the above terms. Should the landlord(s) fail to comply with these orders, these orders may be filed in the Small Claims Division of the Provincial Court and enforced as orders of that Court.

The attached order of possession is to be used by the landlords if the tenant(s) do(es) 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 tenants with this order so that it may enforce it in the event that the tenants do(es) not vacate the premises by the time and date set out in their agreement. Should the tenants 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 13, 2015

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Residential Tenancy Branch

