



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, CNR, MNDC, MNR, OLC, FF

This hearing was to deal with the tenants' application for orders setting aside a 10 Day Notice to End Tenancy for Non-Payment of Rent; awarding the tenants compensation for repairs and strata fees paid by them; and compelling the landlords to comply with the Act, regulation or tenancy agreement. . Both parties appeared and had an opportunity to be heard.

The landlords had filed an application for an order of possession based upon the same 10 Day Notice to End Tenancy for Non-Payment of Rent and a monetary order. The hearing for that application for dispute resolution is set for January 5, 2016. The parties agreed that as the issues raised in each application were the same both applications would be dealt with in today's hearing.

In this hearing the parties agreed as follows:

- The tenants owe rent in the amount of \$7400.00 for the period of June 1, 2015 to November 30, 2015.
- The landlords agree to pay the tenants the sum of \$1474.88 comprised of \$1068.00 for the strata fees paid by the tenants and the \$406.88 paid by the tenants for septic repairs.
- The two amounts will be set off against the other and the tenants owe the landlords the sum of **\$5925.12**.

The parties agreed at the hearing that if the tenants pay the full amount of the arrears into the landlords' bank account on or before 5:00 pm, Friday, November 27, 2015, the tenancy will continue.

If the tenants do not make the payment as promised the tenants must vacate the rental unit by 1:00, November 30, 2015. An order of possession is provided to the landlords with this decision and if the tenants do not pay the arrears of rent in full as promised the landlords may exercise their rights under the order of possession. The landlords are not reinstating the tenancy by accepting any payment from the tenants. It is only if the

tenants pay the arrears in full that the tenancy will continue. Should the tenants fail to comply with this decision, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

I also grant the landlords a monetary order pursuant to section 67 in the amount of \$5925.12. If the tenants fail to make the payment as set out in this decision the order may be filed in the Small Claims Court and enforced as an order of that court. In addition, pursuant to section 38(3) of the *Residential Tenancy Act* the landlords may retain from the security deposit and/or the pet damage deposit any arrears of rent that remain unpaid as of the end of the tenancy.

The parties also agreed that each side would bear their own costs of filing their respective applications for dispute resolution.

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: November 17, 2015

Residential Tenancy Branch

