



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding WESBROOK PROPERTIES
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, O

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 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47; and
- an "other" remedy.

Both tenants and their advocate and the landlord's agent appeared. No issues were raised in respect of service.

In the course of the parties were able to agree to terms under which the tenancy would continue.

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 landlord agreed to withdraw the 1 Month Notice.
3. The tenants agreed that they would not smoke any combustibles in the rental unit including by way of vaporizer (aka "vaping").

4. The tenants agreed to provide permission for inspections by the landlords agents until 29 February 2016 on the following terms:
 - a. If the landlord's agents smell smoke in the residential property, the landlord's agents will knock on the tenants' door.
 - b. If the tenants are home, they will answer the door and provide permission to the landlords' agents to enter the rental unit for the purpose of investigating the source of the smoke.
 - c. If the tenants do not answer the door, the landlord will telephone each of the tenants.
 - d. If the landlord is able to determine that the tenants are in the rental unit, but are not answering the door to provide permission to enter, the tenants are presumed to be in breach of the smoking term of their agreement.
5. The landlord agreed that its agents would not enter the rental unit without the tenants' permission unless notice was provided in accordance with the Act.
6. The landlord agreed that it will comply with the notice requirements set out in section 47 of the Act and *Residential Tenancy Policy Guideline*, "8. Unconscionable and Material Terms.

The parties stated that they understood the terms of 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 landlord's 1 Month Notice is withdrawn.

The tenancy will continue until it is ended in accordance with the Act.

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: February 03, 2016

Residential Tenancy Branch

