



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNR (Tenants' Application)
OPR, MNR, FF (Landlords' Application)

Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution (the "Application") made by the Tenants on May 5, 2016 and by the Landlords on May 17, 2016. The Tenants applied to cancel a notice to end tenancy for unpaid rent and utilities. The Landlords applied for an Order of Possession to end the tenancy, a Monetary Order for unpaid rent and utilities, and to recover the filing fee from the Tenants. Both parties appeared for the hearing and were given the opportunity to provide affirmed testimony. The Tenants also had with them a legal advocate who made submissions on their behalf.

The hearing process was explained to the parties and they had no questions about the proceedings. The parties confirmed receipt of each other's Application. At the onset of the hearing, the Tenants' legal advocate presented an offer to settle both Applications.

The parties confirmed that the Landlords had served the Tenants with a notice to end tenancy for unpaid rent and utilities for May 2016. The parties confirmed that the Tenants had also been served with a 2 month notice to end tenancy for June 30, 2016. The Landlords confirmed that the rent amount for May 2016 was still outstanding but the unpaid utilities claimed by the Landlords had been paid. The Tenants legal advocate asked that the tenancy end pursuant to the 2 month notice and that the notice to end tenancy for unpaid rent and utilities be withdrawn because the Tenants were in a position to pay May 2016 rent. The Tenants' legal advocate committed to facilitate the unpaid rent payment for May 2016 to the Landlords. The Landlords counter proposed that the tenancy should end slightly earlier than the date on the 2 month notice to end tenancy.

The parties were then given an opportunity to discuss the proposals made during the hearing. As a result, the parties turned their mind to compromise and reached a resolution of both Applications as follows.

Settlement Agreement

Pursuant to Section 63 of the *Residential Tenancy Act* (the "Act"), the 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. Both parties agreed to settle this matter under the following terms:

1. The parties mutually agreed to end the tenancy on **June 29, 2016 at 12:00 pm**.
The Landlords are issued with an Order of Possession which is effective for this date and time. This order may be enforced in the Supreme Court of British Columbia as an order of that court if the Tenants fail to vacate the rental unit.
2. The parties withdrew the notice to end tenancy for unpaid rent and utilities.
3. The parties agreed that the Landlords will attend the Tenants' legal advocate's office on June 9, 2016 to collect May 2016 rent in the amount of \$1,100.00 cash, which the Tenants had provided to the legal advocate to give to the Landlords.
4. The parties agreed that the Tenants were still entitled to their compensation under the 2 month notice to end tenancy despite the tenancy ending earlier than the vacancy date of that notice. The Tenants confirmed getting this relief as they had not paid rent for June 2016.
5. The Tenants agreed that the Landlords may deduct \$100.00 from their security deposit of \$550.00 in order to recover their filing fee for their Application.

The Tenants are cautioned that Section 37(2) of the Act still applies in this tenancy which requires the Tenants to leave the rental suite undamaged and reasonably clean at the end of the tenancy. The parties are cautioned that the rights and obligations with respect to the return of the security deposit, pursuant to Section 38(1) of the Act, still apply at the end of the tenancy. This agreement and the attached orders accompanying the Landlords' copy of this decision are fully binding on the parties and were made in full satisfaction of both Applications. The parties confirmed their voluntary agreement and understanding of resolution in the above manner both during and at the conclusion of the hearing. Both files are now closed. This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: June 09, 2016

Residential Tenancy Branch