



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

AMENDED DECISION

Dispute Codes: OPC, CNC, CNR, FF

Introduction and Issues to be Decided:

The tenants applied for an order to: cancel a Notice to End the Tenancy for Cause dated May 31, 2016 and a Notice to End the Tenancy for non-payment of rent dated June 18, 2016. The landlord has applied for an Order for Possession in reliance on the Notice to End the Tenancy for Cause. The landlord had also issued a Two Month Notice to End the Tenancy dated May 5, 2016 with an effective date of July 31, 2017. All parties attended the hearing.

Settlement:

A tenancy began on March 15, 2013 with monthly rent amounting to \$ 950.00 payable on the first day of the month. The landlord is holding a security deposit totaling \$ 425.00 paid on March 10, 2013. The tenants paid the "last month's rent" amounting to \$ 850.00 at the beginning of the tenancy. The parties agreed that the tenancy shall end on July 31, 2016 subject to the landlord retaining the \$ 850.00 for partial payment of the rent for June and an additional rent payment of \$ 100.00 being made, and they have asked that I record the terms pursuant to section 63(2) as follows:

- a. The tenants will pay the landlord \$ 100.00 by July 6, 2016 representing the remainder of the rent for June 2016.
- b. The landlord will have an Order for Possession effective on July 7, 2016 at 1:00 PM, but if the tenants complete the payment in paragraph a. in full and on time then the Order may only be executed on July 31, 2016 at 1:00 PM.

- c. The Notices to end the Tenancy dated May 31, 2016 and June 18, 2016 will be cancelled, and
- d. The tenants will not pay any rent for the month of July 2016 pursuant to The Landlord Use Two Month Notice to End the Tenancy dated May 5, 2016 with an effective date of July 31, 2016 and section 51(1) and (1.1) of the Residential Tenancy Act.

Conclusion:

As a result of the settlement I granted an Order for Possession effective July 7, 2016 which are not to be executed upon until July 31, 2016 unless the tenants are in breach of paragraph a. herein. If the tenants complete the payment in paragraph a. herein, the Order for Possession shall only be executed on July 31, 2016 at 1:00 PM. The Notices to end the Tenancy dated May 31, 2016 and June 18, 2016 are cancelled. There shall be no order with respect to reimbursement of the cost of the filing fee to either party. The landlord must serve the tenants with the Order as soon as possible. The parties are cautioned to deal with the security deposit in compliance with section 38 of the Act.

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: July 05, 2016

Residential Tenancy Branch

This decision/order is amended pursuant to section 78(1) of the Residential Tenancy Act this 7th day of July, 2016

Residential Tenancy Branch