



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

CNC, FF

Introduction

This hearing was convened in response to the Tenants' Application for Dispute Resolution, in which the Tenants applied to set aside a Notice to End Tenancy for Cause and to recover the fee for filing this Application.

The female Tenant stated that on September 26, 2016 the Application for Dispute Resolution and the Notice of Hearing were personally served to the Agent for the Landlord. The Agent for the Landlord acknowledged receipt of these documents.

On October 19, 2016 the Tenants submitted 58 pages of evidence to the Residential Tenancy Branch. The female Tenant stated that this evidence was personally served to the Agent for the Landlord on October 19, 2016. The Agent for the Landlord acknowledged receipt of these documents and they were accepted as evidence for these proceedings.

Residential Tenancy Branch records show that on October 24, 2016 the Tenants appear to have submitted another 58 pages of evidence to the Residential Tenancy Branch. The female Tenant stated that they did not submit an additional 58 pages of evidence. The evidence package appears to be a duplicate of evidence submitted by the Tenants on October 19, 2016, and I presume it was duplicated in error, possibly by the Residential Tenancy Branch.

Residential Tenancy Branch records show that on November 06, 2016 the Tenants submitted 33 pages of evidence to the Residential Tenancy Branch, which includes 8 photographs and a transcript of a Facebook chat. The female Tenant stated that they did not submit 33 pages of evidence to the Residential Tenancy Branch. She stated that the Tenants submitted 8 photographs and a transcript of a Facebook chat to the Residential Tenancy Branch on October 24, 2016. The female Tenant stated that the 8 photographs and Facebook chat was personally served to the Agent for the Landlord on October 24, 2016. The Agent for the Landlord acknowledged receipt of these documents and they were accepted as evidence for these proceedings.

On November 07, 2016 the Landlord submitted 106 pages of evidence to the Residential Tenancy Branch. The Agent for the Landlord stated that this evidence was personally served to the Tenants on November 04, 2016. The female Tenant acknowledged receipt of these documents and they were accepted as evidence for these proceedings.

On November 08, 2016 the Landlord submitted 7 pages of evidence to the Residential Tenancy Branch. The Agent for the Landlord stated that this evidence was not served to the Tenants. As it was not served to the Tenants it was not accepted as evidence for these proceedings.

Issue(s) to be Decided

Should the Notice to End Tenancy for Cause, served pursuant to section 47 of the *Residential Tenancy Act (Act)*, be set aside?

Background and Evidence

Soon after the hearing commenced the Agent for the Landlord and the Tenants mutually agreed to settle this dispute under the following terms:

- the tenancy will end, by mutual consent, on November 18, 2016;
- the parties will meet at 10:00 a.m. on November 18, 2016 for the purpose of completing a final condition inspection report;
- the Landlord will keep the Tenants' security deposit of \$497.50 in full satisfaction of any rent owing for November of 2016; and
- the Landlord retains the right to file an Application for Dispute Resolution if the rental unit is not left in good condition.

Analysis

The issues in disputed have been settled in accordance with the aforementioned terms.

Conclusion

On the basis of the settlement agreement I grant the Landlord an Order of Possession that is effective at 1:00 p.m. on November 18, 2016. This Order may be served on the Tenants, filed with the Supreme Court of British Columbia, and enforced as an Order of that Court.

This settlement agreement is recorded 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, 2016

Residential Tenancy Branch