



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 9275 INVESTMENTS LIMITED
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, FF

Introduction

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* (the *Act*) for cancellation of the landlords' 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47, and authorization to recover their filing fee for this application from the landlords pursuant to section 72.

Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to make submissions, to call witnesses and to cross-examine one another. Landlord SR (the landlord) who attended this hearing confirmed that she had full authority to act on behalf of both landlords.

The landlord confirmed receipt of the tenants' application for dispute resolution hearing package ("Application"). In accordance with section 89 of the *Act*, I find that the landlords were duly served with the Application.

Analysis

Pursuant to section 63 of 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. During the hearing the parties discussed the issues between them, turned their minds to compromise and achieved a resolution of their dispute.

Both parties agreed to the following final and binding settlement of all issues currently under dispute at this time:

1. The landlord agreed to withdraw the 1 Month Notice of November 7, 2016.
2. Both parties agreed that this tenancy will end on January 31, 2017 at 11:59 pm, by which time the tenants and any other occupants will have vacated the rental unit.
3. The parties agreed that this tenancy ends by way of their mutual agreement to end this tenancy and not in accordance with the landlords' 1 Month Notice, dated November 7, 2016.

4. The tenants have agreed to pay January rent as required by the *Act*.
5. The tenants have agreed to bear the cost of their own filing fee for their application.
6. Both parties agreed that the tenants' security deposit of \$312.50 will be dealt with as per the *Act*.
7. Both parties agreed that this settlement agreement constituted a final and binding resolution of the tenants' application and all issues currently under dispute arising from this tenancy.

These particulars comprise the full and final settlement of all aspects of this dispute for both parties. Both parties testified at the hearing that they understood and agreed to the above terms, free of any duress or coercion. Both parties testified that they understood and agreed that the above terms are legal, final, binding and enforceable, which settle all aspects of this dispute.

Conclusion

To give effect to the settlement reached between the parties and as discussed with them during the hearing, I issue the attached Order of Possession that takes effect at 11:59 p.m. on January 31, 2016, to be used by the landlords **only** if the tenants do not abide by condition #2 of the above settlement. The landlords are provided with this Order in the above terms and the tenants must be served with this Order in the event that the tenants do not abide by condition #2 of the above settlement. Should the tenants fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

To give effect to the settlement reached by the parties, this tenancy ends by way of the parties' mutual agreement to end this tenancy. I find that the landlords' 1 Month Notice is cancelled and is of no force or continuing effect.

The tenants agreed to bear the cost of their own filing fee for their application. 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: December 23, 2016

Residential Tenancy Branch