



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNDC, FF

### Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* ("Act") for:

- a monetary order for loss of quiet enjoyment pursuant to section 67; and
- authorization to recover her 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 call witnesses, and to make submissions.

The landlord confirmed receipt of the tenant's dispute resolution package. In accordance with section 89 of the *Act*, I find that the landlord was duly served with the dispute resolution package.

### 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 tenant agreed to vacate the rental unit by 1:00 P.M on May 31, 2017.
- 2) The landlords agreed to pay the tenant \$1,600.00 if the tenant provides 1 month notice of her intention to move out prior to March 31, 2017.
- 3) The landlords agreed to pay the tenant \$800.00 if the tenant provides 1 month notice of her intention to move out after March 31, 2017 and prior to April 30, 2017. In that event, the landlords also agreed to waive the tenant's payment of rent for May 2017'

- 4) If the tenant remains in the property for any portion of May 2017, the landlords agreed the tenant does not have to pay rent for the months of April and May 2017.
- 5) The parties shall cover their own costs related to the filing fee associated with this Application.

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 and all issues arising out of this tenancy at this time.

#### Conclusion

Should the tenant vacate the rental unit prior to May 1, 2017 and require a Monetary Order, the tenant will have leave to re-apply only for the amounts for which the tenant qualifies pursuant to the terms of the settlement.

To give effect to the settlement reached between the parties and as discussed with them during the hearing, I issue an Order of Possession to the landlords, which is to take effect by 1:00 p.m. on May 31, 2017. The landlords are provided with this Order in the above terms and the tenant must be served with this Order. Should the tenant fail to comply with this Order, it may be filed and enforced as an Order of the Supreme Court of British Columbia.

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: January 11, 2017

---

Residential Tenancy Branch