



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      FF, MND, MNDC, MNSD, O, OPC

### Introduction

This hearing was convened in response to applications by both parties pursuant to the *Residential Tenancy Act* (the “Act”) for the following:

The landlords applied for:

- an Order of Possession pursuant to a 1 Month Notice to End Tenancy for Cause (“1 Month Notice”) per section 47 of the *Act*;
- a Monetary Order pursuant to section 67 of the *Act* as compensation for damage to the rental unit; and
- a return of the filing fee pursuant to section 72 of the *Act*;

The tenant applied for:

- cancellation of the landlords’ 1 Month Notice;
- an Order pursuant to section 32 of the *Act* for the landlords to make emergency repairs; and
- an Order pursuant to section 70 of the *Act* for conditions to be set on the landlords’ right to enter the rental unit.

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.

Both parties confirmed receipt of each other’s applications for dispute resolution hearing package (“Applications”). In accordance with section 89 of the *Act*, I find that both the landlord and tenant were duly served with the Applications.

### 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 January 31, 2017.
- 2) The tenant agrees to allow the landlords to retain \$212.50 from her security deposit at the conclusion of this tenancy.
- 3) 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

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 January 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.

I order that the landlord is allowed to retain \$212.50 from the tenant's security deposit of \$575.00 currently being held by the landlord.

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 13, 2017

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Residential Tenancy Branch

