



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, FF

Introduction

This hearing was scheduled to deal with a landlord's application for an Order of Possession based upon a 1 Month Notice to End Tenancy for Cause dated January 26, 2017. Both of the landlords appeared at the hearing and one of the co-tenants appeared. The tenant confirmed that she was representing both tenants.

Preliminary and Procedural Matters

The parties participated in a dispute resolution proceeding on March 7, 2017 to deal with the tenant's application to cancel a 1 Month Notice to End Tenancy for Cause dated January 26, 2017 and other issues (file number referenced on cover page of this decision). Since both applications pertain to the same Notice to End Tenancy the two applications should have been joined together and heard at the same time but it appears that they were not. The landlords confirmed that they had provided their reasons for ending the tenancy to the Arbitrator that heard the tenant's application yesterday but that a decision was not provided orally during that hearing and a written decision has not yet been issued.

Since the landlords had already provided reasons for issuing the 1 Month Notice to a different Arbitrator at an earlier dispute resolution hearing I advised the parties that I would not re-hear the matter. Nevertheless, the landlords attempted to re-argue their reasons for issuing the 1 Month Notice and raise issues with respect to serve of the tenant's application. I re-iterated to the landlords that I would not re-hear the basis for issuing the 1 Month Notice.

The tenant indicated that they have found a new home to move to as of March 19, 2017. I gave the landlords the option to wait for the decision from the Arbitrator who heard the tenant's application or turn their minds to reaching a mutual agreement to end tenancy given the information provided by the tenant at this hearing. After discussing their options in private the landlords indicated they were open to reaching a mutual agreement to end tenancy, with conditions. I was able to facilitate a mutual agreement

between the parties with respect to the ending of this tenancy. I have recorded their agreement by way of this decision and the Orders that accompany it.

Since the parties have reached a mutual agreement to end tenancy during this proceeding and I have issued an Order of Possession to the landlords based upon that mutual agreement, it is unnecessary for a decision to be made on the 1 Month Notice to End Tenancy that was dealt with at yesterday's hearing. However, this decision does not affect any other matter that was the subject of yesterday's hearing.

Issue(s) to be Decided

What are the terms of the mutual agreement?

Background and Evidence

During the hearing the parties mutually agreed upon the following terms:

1. The tenancy shall end effective March 19, 2017 at 1:00 p.m.
2. The tenants shall pay to the landlords rent of \$1,363.42 for the month of March 2017 at 4:00 p.m. on today's date.
3. The tenants' security deposit remains in trust, to be administered in accordance with the Act after the tenancy has ended.
4. The parties will meet at the rental unit at 1:00 p.m. on March 19, 2017 for purposes of participating in the move-out inspection.

Analysis

Pursuant to section 63 of the Act, I have the authority to assist parties in reaching a settlement agreement during the hearing and to record the agreement in the form of a decision or order.

I have accepted and recorded the mutual agreement reached by the parties during this hearing and make the terms an Order to be binding upon both parties.

In recognition of the mutual agreement, I provide the landlords with an Order of Possession that is effective at 1:00 p.m. on March 19, 2017. I have also provided the landlords a Monetary Order in the amount of \$1,363.42 that may be served and enforced upon the tenants in the event the tenants fail to pay the rent as agreed upon.

Conclusion

The parties reached a mutual agreement with respect to the ending of this tenancy that I have recorded in this decision. In recognition of the mutual agreement, the landlords are provided an Order of Possession that is effective at 1:00 p.m. on March 19, 2017. The landlords have also been provided a Monetary Order in the amount of \$1,363.42 to serve and enforce in the event the tenants fail to pay the rent as agreed upon.

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: March 08, 2017

Residential Tenancy Branch