



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR, OLC, MNDC, LRE, FF, O

### Introduction and Analysis

This hearing dealt with two separate Applications made by the tenants for Dispute Resolution (the “Application”) under the Residential Tenancy Act (the “Act”) for:

- cancellation of the landlords’ 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the “10 Day Notice”);
- an order for the landlords to comply with the Act, regulations or the tenancy agreement;
- a monetary order for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement;
- an order to suspend or set conditions on the landlords’ right to enter the rental unit;
- recovery of the filing fee paid for this application from the landlords; and
- unspecified other relief.

Both the landlords and the tenants appeared at the teleconference hearing and gave affirmed testimony.

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, engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

During the course of the hearing, the parties reached an agreement to settle this matter, on the following conditions:

1. The tenants will vacate the rental unit by March 31, 2017 at 1:00 p.m.;

2. The tenants will pay rent for the month of March 2017 in the amount of \$1,900.00 by e-transfer which will be sent to the landlords by 5:00 p.m. on March 20, 2017;
3. The move out condition inspection will take place on March 31, 2017 at 1:00 p.m.;
4. The tenants' forwarding address will be the address of the rental unit. The landlords accept that the tenants have provided their forwarding address at the hearing without requiring it in writing.
5. the parties agree that the landlords will be granted a conditional order of possession effective two (2) days after service on the tenant(s) which will be of no force or effect if the tenants successfully comply with the above terms #1 and #2. If the tenants fail to comply with the above terms #1 and #2, the order of possession will be of full force and effect and may be served upon the tenant(s).
6. The parties agree that this settlement agreement constitutes a final and binding resolution of both Applications made by the tenants at this hearing.

These particulars comprise the full and final settlement of all aspects of the disputes for all the parties. The parties testified at the hearing that they understood and agreed to the above terms, free of any duress or coercion. The parties acknowledged that they understood and agreed that the above terms settle all aspects of the tenants' disputes.

The tenants did not raise the filing fee in the settlement discussions giving rise to the mutual settlement. As this matter was settled, I decline to award the tenants recovery of the filing fee for the cost of their application.

### Conclusion

I order the parties to comply with the terms of their settlement agreement described above.

The landlords have been granted a conditional order of possession effective two (2) days after service on the tenant(s), which will be of no force or effect if the tenants successfully comply with the terms of this settlement agreement. If the tenants fail to comply with the terms of this settlement agreement, the order of possession will be of full force and effect and may be served upon the tenant(s).

Should the landlords need to enforce the order of possession, the landlords must serve the order of possession on the tenant(s) and the order of possession may be filed in the Supreme Court of British Columbia and enforced as an order of that Court. If the tenants successfully comply with the terms of this settlement, the tenancy will continue until March 31, 2017 at 1:00 p.m.

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 20, 2017

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Residential Tenancy Branch