



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding PACIFIC COAST PROPERTIES
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, OPC, FF

Introduction

This hearing dealt with cross applications. The tenants applied to cancel a 1 Month Notice to End Tenancy for Cause ("1 Month Notice"). The landlord applied for an Order of Possession for cause. Both parties appeared or were represented at the hearing and were provided the opportunity to make relevant submissions, in writing and orally pursuant to the Rules of Procedure, and to respond to the submissions of the other party.

I noted that the tenants had named three co-tenants on their application but the landlord had only identified two co-tenants on the landlord's application. The tenants explained that they had named their minor son as a party to this dispute. I have amended their application to exclude their minor child as a named party.

The landlord stated that she did not receive the tenant's application. The tenants provided two registered mail tracking numbers as evidence that they sent their hearing package to each of the landlords identified on the 1 Month Notice on March 13, 2017. The tenants stated that both packages were returned to them. A search of the tracking numbers showed that the registered mail packages were unclaimed by the recipient and returned to sender. The landlord testified that she did not receive any notice cards from Canada Post although another tenant had told her that notice cards had been posted to a bulletin board by the mailboxes in the building. When the landlord went to check the bulletin board she saw Canada Post notice cards posted on the bulletin board but none were addressed to her. The tenants stated that they had provided evidence of the returned registered mail to the Residential Tenancy Branch yesterday; however, given such a late submission it was not in the file before me. Out of an abundance of fairness to the tenants I informed the parties that I would consider the 1 Month Notice to have been disputed and the landlords deemed served with the registered mail packages five days after mailing, as provided under section 90 of the Act.

I proceeded to hear from both parties with respect to the 1 Month Notice that was under dispute. After both parties had an opportunity to be heard, the parties turned their minds to resolving this dispute by way of a mutual agreement. I was able to facilitate a mutual agreement between the parties which I have recorded by way of this decision and the order that accompanies it.

Issue(s) to be Decided

What are the terms of the mutual agreement?

Background and Evidence

During the hearing, the parties mutually agreed to the following terms and conditions:

1. The tenancy shall continue until July 31, 2017 at which time it will end and the tenants will return vacant possession of the rental unit to the landlord.
2. The tenants shall pay the full monthly rent on time every month for the duration of the tenancy.

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 landlord with an Order of Possession effective July 31, 2017 to serve and enforce upon the tenants as necessary and appropriate.

Conclusion

The parties resolved this dispute by way of a mutual agreement that I have recorded by way of this decision. In recognition of the mutual agreement, the landlord is provided an Order of Possession that has an effective date of July 31, 2017.

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: April 11, 2017

Residential Tenancy Branch