



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC FF

Introduction

This hearing convened in response to an adjourned hearing on March 17, 2017 to deal with the landlords' application pursuant to the *Residential Tenancy Act* ("Act") for an Order of Possession for cause pursuant to section 55, and authorization to recover their filing fee for this application from the tenants pursuant to section 72.

The adjournment decision dated March 17, 2017 noted the requirements for service of the hearing package and evidence. The tenant acknowledged receipt of all hearing documents, and was ready to proceed with this matter.

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. Both parties agreed that this tenancy will end at 1:00 p.m. on May 31, 2017, by which date the tenants and any other occupants will have vacated the rental unit.
2. The landlords agreed that the 1 Month Notice, dated December 22, 2016, is cancelled and of no force or effect.
3. The tenants had agreed to pay the landlords the \$2500.00 in outstanding rent for April 2017, by Monday, April 24, 2017.
4. The tenants agreed to pay May 2017 rent as required by the Act and the tenancy agreement.
5. Both parties agreed that this settlement agreement constituted a final and binding resolution of all issues currently under dispute arising from this tenancy.

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.

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 May 31, 2017. The landlords are provided with this Order in the above terms and the tenants must be served with this Order in the event that the tenants do not abide by condition #1 of the above settlement. Should the tenants fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

The landlords' 1 Month Notice, dated December 22, 2016, is cancelled and is of no force or effect.

In order to implement the above settlement reached between the parties, and as advised to both parties during the hearing, I issue a Monetary Order in the landlords' favour in the amount of \$2,500.00. The landlords are provided with this Order in the above terms and the tenant(s) must be served with a copy of this Order as soon as possible in the event that the tenant(s) do not abide by condition #3 of the above agreement. Should the tenant(s) fail to comply with this Order, this Order may be filed in the Small Claims Division of the Provincial Court and enforced as an Order of that Court.

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 21, 2017

Residential Tenancy Branch