



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes:**

OPR, MNR, MNSD, MNDC, FF

### **Introduction**

This hearing was convened in response to cross applications.

The Landlords submitted an Application for Dispute Resolution, in which the Landlords applied for an Order of Possession for Unpaid Rent or Utilities, a monetary Order for unpaid rent or utilities, a monetary Order for money owed or compensation for damage or loss, to retain all or part of the security deposit, and to recover the fee for filing this Application for Dispute Resolution.

The female Landlord stated that on April 14, 2017 the Application for Dispute Resolution, the Notice of Hearing and 4 pages of evidence the Landlords submitted with the Application for Dispute Resolution were personally served to the Tenant. The Tenant acknowledged receipt of these documents and the evidence was accepted as evidence for these proceedings.

The Tenant submitted an Application for Dispute Resolution, in which the Tenant applied for a monetary Order for money owed or compensation for damage or loss. The Tenant submitted an Amendment to an Application for Dispute Resolution, in which the Tenant applied to cancel a Notice to End Tenancy for Unpaid Rent.

The Tenant stated that on April 07, 2017 the Application for Dispute Resolution and the Amendment to an Application for Dispute Resolution were sent to the Landlords, via registered mail. The female Landlord acknowledged receipt of these documents.

On April 18, 2017 the Landlord submitted 13 pages of evidence to the Residential Tenancy Branch. The female Landlord stated that this evidence was personally served to the Tenant on April 14, 2017. The Tenant acknowledged receiving this evidence and it was accepted as evidence for these proceedings.

On April 20, 2017 the Tenant submitted 40 pages of evidence to the Residential Tenancy Branch. The Tenant stated that this evidence was posted on the Landlords' door on April 20, 2017. The Landlords acknowledged receiving this evidence and it was accepted as evidence for these proceedings.

On May 04, 2017 the Landlord submitted 6 pages of evidence to the Residential Tenancy Branch. The female Landlord stated that this evidence was posted on the door of the rental unit on May 03, 2017. The Tenant acknowledged receiving this evidence and it was accepted as evidence for these proceedings.

### Issue(s) to be Decided

Are the Landlords entitled to an Order of Possession and to a monetary Order for unpaid rent?

Should the Ten Day Notice to End Tenancy for Unpaid Rent be set aside and is the Tenant entitled to a refund for utilities?

Should the security deposit be retained by the Landlords or returned to the Tenant?

### Background and Evidence

After the hearing process was explained to the parties the Landlords and the Tenant mutually agreed to settle all issues in dispute at these proceedings under the following terms:

- the tenancy will end, by mutual consent, on May 15, 2017;
- the Tenant will not seek any compensation for any utility charges that have been paid in regard to the rental unit; and
- no money will be paid to either party; and
- the Landlords will retain the security deposit.

Both parties declared that they understood this settlement agreement is final and binding, and that they voluntarily entered into the agreement.

### Analysis

The issues in dispute at these proceedings have been settled in accordance with the aforementioned terms.

### Conclusion

On the basis of the settlement agreement I grant the Landlord an Order of Possession that is effective 1:00 p.m. on May 15, 2017. If the rental unit is not vacated, this Order

may be served on the Tenant, filed with the Supreme Court of British Columbia, 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 *Act*.

Dated: May 10, 2017

---

Residential Tenancy Branch