



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC (Tenant's Application)
 OPC, MNDC, FF (Landlord's Application)

Introduction

This hearing convened as a result of cross applications. In the Tenant's Application for Dispute Resolution filed May 11, 2017 the Tenants sought to cancel a 1 Month Notice to End Tenancy for Cause issued May 1, 2017 (the "Notice"). In the Landlord's Application for Dispute Resolution filed May 23, 2017 the Landlord sought an Order of Possession and monetary relief based on the Notice as well as to recover the filing fee.

Both parties appeared at the hearing. The hearing process was explained and the participants were asked if they had any questions. Both parties were provided the opportunity to present their evidence orally and in written and documentary form, and make submissions to me.

During the hearing the parties resolved matters by mutual agreement. The terms of their agreement is recorded in this my Decision and Order pursuant to section 63 of the *Residential Tenancy Act* and Rule 8.4 of the *Residential Tenancy Branch Rules of Procedure*. As the parties resolved matters by agreement I make no findings of fact or law with respect to their relative claims.

The parties confirmed at the end of the hearing that this agreement was made on a voluntary basis and that the parties understood the nature of this full and final settlement of this matter.

The terms of their settlement follow.

Settlement and Conclusion

1. The tenancy shall end and the Tenants shall vacate the rental unit by no later than **1:00 p.m. on July 15, 2017.**

2. The Landlord is granted an Order of Possession effective **1:00 p.m. on July 15, 2017**. The Landlord must serve the Order on the Tenants as soon as possible and may if necessary, file and enforce the Order in the B.C. Supreme Court.
3. The parties will participate in a move out condition inspection report at **1:00 p.m. on July 15, 2017**.
4. Should the circumstances giving rise to the issuance of the Notice reoccur, the Landlord shall be at liberty to apply for an early end to tenancy pursuant to section 56(1) of the *Residential Tenancy Act*.

The Landlord's monetary claim is dismissed with leave to reapply.

The parties were cautioned to consider section 38 of the *Act* with respect to the Tenants' security deposit, as well as *Residential Tenancy Policy Guideline 1—Landlord & Tenant Responsibilities for Residential Premises*.

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: June 22, 2017

Residential Tenancy Branch