



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes DRI, FF

Introduction

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* ("Act") for:

- an order regarding a disputed additional rent increase, pursuant to section 43;
- authorization to recover the filing fee for this application, pursuant to section 72.

The female landlord and the male tenant did not attend this hearing, which lasted approximately 38 minutes. The male landlord and the female tenant attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses. The male landlord confirmed that he had the authority to represent the female landlord as an agent at this hearing. The female tenant confirmed that she had the authority to represent the male tenant as an agent at this hearing.

The landlord confirmed receipt of the tenants' application for dispute resolution hearing package. In accordance with sections 89 and 90 of the *Act*, I find that both landlords were duly served with the tenants' application.

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 and orders. 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 to continue this tenancy under the terms of the original written tenancy agreement for a new fixed term period from August 1, 2017 to July 31, 2018 on the following conditions:
 - a. the tenants will vacate the rental unit by July 31, 2018;
 - b. no new written tenancy agreement will be signed for the above new fixed term period;
 - c. the tenants are required to pay a new monthly rent of \$3,100.00 to the landlord on or before the first calendar day of each month, beginning on August 1, 2017;
 - d. the landlord will pick up post-dated rent cheques from the tenants by July 1, 2017, for the above rent payments from August 1, 2017 to July 31, 2018;
2. Both parties agreed that the tenants' security deposit of \$1,425.00 and pet damage deposit of \$1,425.00 is still in the landlord's possession and will be dealt with at the end of this tenancy in accordance with section 38 of the *Act*;
3. The landlord agreed to reimburse \$100.00 to the tenants for the filing fee they paid for this application by way of reducing their rent for August 2017 by \$100.00 so that only \$3,000.00 is payable to the landlord by the tenants on August 1, 2017;
4. The tenants agreed that this settlement agreement constitutes a final and binding resolution of their application at this hearing.

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

I order that this tenancy continues under the terms of the original written tenancy agreement for a new fixed term period from August 1, 2017 to July 31, 2018, with a new monthly rent of \$3,100.00 payable by the tenants to the landlord during the above fixed term period.

I order the tenants to deduct \$100.00 from their rent payable to the landlord for August 2017, in full satisfaction of the monetary award for the filing fee.

The tenants' security deposit of \$1,425.00 and pet damage deposit of \$1,425.00 will be dealt with at the end of this tenancy in accordance with section 38 of the *Act*.

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: July 04, 2017

Residential Tenancy Branch