



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC MT O

Introduction

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* (the *Act*) for cancellation of the landlords' 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47, more time to make an application to cancel the 1 Month Notice pursuant to section 66, and unspecified other relief.

Both the tenants and the landlords appeared at the hearing. Both parties were given a full opportunity to be heard, to present their sworn testimony, to make submissions, to call witnesses and to cross-examine one another.

The landlords confirmed receipt of the tenants' application for dispute resolution hearing package ("Application") by hand on June 3, 2017. No evidence was submitted by the tenants to the hearing. In accordance with section 89 of the *Act*, I find that the landlords were duly served copies of the tenants' application.

The landlords' evidentiary package contained a copy of the 1 Month Notice to End Tenancy for Cause (the 1 Month Notice), with an effective date of June 30, 2017. This notice indicated it was personally served to the tenants on May 18, 2017. Accordingly, I find that the 1 Month Notice was served to the tenants in accordance with section 88 of the *Act* on May 18, 2017.

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 entered into a mutual agreement that this tenancy will end on August 18, 2017 at 1:00 P.M., by which date the tenants and any other occupants will have vacated the rental unit.
2. The tenants agree to pay the landlord outstanding rent for July 2017 in the amount of \$755.00 by July 14, 2017. This amount is inclusive of the \$25.00 late payment fee. Failure to pay the outstanding rent by this date will lead the landlords to enforce a 10 Day Notice for unpaid July 2017 rent.
3. The tenants agree to pay the landlords \$365.00 on August 1, 2017 in satisfaction for rent running from August 1st to 18th, 2017.
4. The landlords withdrew the 1 Month Notice dated May 18, 2017.
5. The parties agreed that this tenancy ends by way of their mutual agreement to end this tenancy and not on the basis of the landlords' 1 Month Notice, dated May 18, 2017
6. Both parties agreed that this settlement agreement constituted a final and binding resolution of the tenants' application.

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 August 18, 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.

I issue a Monetary Order of \$755.00 in favour of the landlords

The landlords are provided with a Monetary Order in the above terms and the tenants must be served with this Order should they fail to pay rent by 1:00 P.M. on July 14, 2017. Should the tenants 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: July 7, 2017

Residential Tenancy Branch