



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, FF

Introduction

The Application for Dispute Resolution filed by the Tenant(s) as a joinder application that seeks the following:

- a. An order to cancel the two month Notice to End Tenancy dated May 30, 2017 and setting the end of tenancy for July 31, 2017.
- b. An order to recover the cost of the filing fee.

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached.

The Tenants advised that FK has withdrawn his application. As a result the application of FK is dismissed as withdrawn.

The parties used the hearing time to negotiate a settlement. Both parties were given a full opportunity to present their position. The arbitrator and the landlord (and the landlord's witnesses) disconnected for 10 minutes to allow the tenants an opportunity to discuss this matter amongst themselves and with their Advocate. After a lengthy discussion a settlement was reached.

I find that the 2 month Notice to End Tenancy was personally served on each of the Tenants on May 30, 2017. I find that the Application for Dispute Resolution/Notice of Hearing filed by tenants was sufficiently served on the landlord by mailing, by registered mail to where the landlord carries on business.

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the tenant is entitled to an order cancelling the two month Notice to End Tenancy dated May 30, 2017?
- b. Whether the tenant is entitled to recover the cost of the filing fee?

Grounds for Termination:

The Notice to End Tenancy relies on section 49 of the Residential Tenancy Act. That section provides as follows:

- The landlord has all necessary permits and approvals required by law to demolish the rental unit or repair the rental unit in a manner that requires the rental unit to be vacant

Settlement:

After a lengthy negotiation the parties reached a settlement and they asked that I record the settlement pursuant to section 63(2) of the Residential Tenancy Act as follows:

1. The parties mutually agree to end each of the tenancies on October 31, 2017.
2. The parties request that the arbitrator issue an Order of Possession for October 31, 2017.
3. The parties acknowledge each of the tenants is entitled to the equivalent of one month rent free in accordance with the Residential Tenancy Act as they have been served with a 2 month Notice to End Tenancy.
4. The landlord shall pay to each of the tenants the sum of \$400 to assist with moving expenses within 5 days of receiving a written request from the tenant.
5. The landlord shall pay to each of the Tenants the sum of \$1000 upon the tenant vacating the rental unit.
6. The landlord shall return the security deposit plus interest (if any) to each of the tenants upon the Tenant vacating rental unit.
7. The landlord agrees that should the tenants leave belongings in the rental unit upon vacating the landlord shall dispose of those belongings at no cost to the Tenants.
8. The parties agree that should a tenant vacate the rental unit prior to October 31, 2017 without giving the required one month notice and the landlord releases and discharges the tenant from all claims the landlord may have for loss of rent for the failure to give notice.
9. The tenants shall not disclose the contents of this settlement to the media.

Determination and Orders:

As a result of the settlement I granted an Order of Possession effective October 31, 2017. Rather, than issue individual Order of Possession I determined it was appropriate to issue one Order of Possession to cover all units. Should the landlord have a problem enforcing this order the landlord can make a request to the Registry asking that I issue

an individual Order of Possession for each of the units. The application to recover the cost of the filing fee is dismissed as it was not part of the settlement. .

Each of the tenants must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

This decision is final and binding on the parties.

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: August 17, 2017

Residential Tenancy Branch