



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes O

Introduction

This hearing convened as a result of the Landlords' Application for Dispute Resolution wherein the Landlords requested a finding that the tenancy had been frustrated due to substantial flooding of the rental unit.

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 Tenant shall vacate the rental unit by no later than **1:00 p.m. on August 12, 2017.**

2. The Landlords are granted an Order of Possession effective 1:00 p.m. on August 12, 2017. The Landlords must serve the Order on the Tenant as soon as possible and may, if necessary, file and enforce the Order in the B.C. Supreme Court.
3. Provided that the Tenant vacates the rental unit by 1:00 p.m. on August 12, 2017 the Tenant shall not be obligated to pay rent for July or August 2017.
4. In the event the Tenant fails to vacate the rental unit by 1:00 p.m. on August 12, 2017, the Landlords shall be at liberty to apply for an Order for monetary compensation for July and August 2017 rent.

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 3, 2017

Residential Tenancy Branch