



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, OLC, ERP, RP, PSF, FF

Introduction

This hearing was scheduled to deal with the tenants' application pursuant to the Residential Tenancy Act (the "Act") for:

- a monetary order for compensation for damage or loss under the *Act*, regulation or tenancy agreement pursuant to section 67;
- an order requiring the landlord to comply with the *Act*, regulation or tenancy agreement pursuant to section 62;
- an order to the landlord to make repairs to the rental unit pursuant to section 33;
- a monetary order for the cost of emergency repairs to the rental unit pursuant to section 33;
- an order to the landlord to provide services or facilities required by law pursuant to section 65; and
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

Both parties attended the hearing. The co-tenant MO (the "tenant") confirmed she represented both named co-tenants. The co-landlord LL attended and both named landlords were represented by their agent JZ (the "landlord").

As both parties were in attendance I confirmed there were no issues with service. The parties confirmed receipt of the tenants' application and one page of evidence submitted by the landlords. In accordance with sections 88 and 89 of the *Act*, I find that the parties were served with the application and evidentiary materials.

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. This tenancy will end on 1:00pm August 31, 2017 by which time the tenants and any other occupant will have vacated the rental unit.
2. The landlord will pay the amount of \$500.00 by eTransfer to the tenant by 12:00pm on August 25, 2017.
3. The parties agree that any security deposit and pet damage deposit for this tenancy will be handled at the end of the tenancy in accordance with the *Act*.
4. This settlement agreement constitutes a full, final and binding resolution of the tenants' application at this hearing.

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 above noted settlement agreement, and as discussed with them during the hearing, I grant an Order of Possession to the landlords, effective **AUGUST 31, 2017 at 1:00 pm**. 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 or any occupant on the premises fails to provide vacant possession in accordance with the settlement terms. 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.

In order to implement the above settlement reached between the parties, and as advised to both parties during the hearing, I issue a monetary Order in the tenants' favour in the amount of \$500.00, to be used only in the event that the landlord does not

abide by the monetary terms of the settlement agreement outlined above. Should the landlord 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: August 23, 2017

Residential Tenancy Branch