



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 each of the Tenants seeks the following:

- a. An order to cancel the two month Notice to End Tenancy dated June 29, 2017
- b. An order to recover the cost of the filing fee.

After a pre-trial conference held on August 15, 2017 an arbitrator ordered that the 8 applications be joined and heard together.

A hearing was conducted by conference call in the presence of the landlord and all tenants. The parties advised me that they have reached a settlement in writing.

I find that the two month Notice to End Tenancy was personally served on each of the Tenants on June 30, 2017. Further I find that the Application for Dispute Resolution/Notice of Hearing was served on the landlord by mailing, by registered mail. The landlord acknowledged service of the documents.

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether each of the tenant is entitled to an order cancelling the two month Notice to End Tenancy dated June 29, 2017?
- b. Whether each of the tenant is entitled to recover the cost of the filing fee?

Settlement:

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

- a. The parties mutually agree to end each of the tenancies on October 31, 2017.
- b. The parties request that the arbitrator issued an Order of Possession to be effective at 1:00 p.m. on October 31, 2017.
- c. 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.
- d. The landlord shall pay to each of the Tenants the sum of \$400 to assist with moving expenses on or within two business days of receiving a written request from the Tenant.

- e. The landlord shall pay to the Tenants the sum of \$1500 on or within a 24 hour period upon the Tenant vacating the rental unit.
- f. The landlord shall return the security deposit plus interest (if any) to each of the tenants on or within 24 hours upon the tenant vacating the rental unit.
- g. 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. The removal of the property is a cost that the landlord shall bear.
- h. The parties agree that should the tenant vacate the rental unit prior to October 31, 2017 without giving the required one month notice the landlord releases and discharges the tenant from all claims the landlord may have for loss of rent for the failure to give notice.
- i. The tenants shall not disclose the contents of the settlement to the media.
- j. Each tenant shall sign a RTB form 8 Mutual Agreement to End Tenancy which shall form part of the entire agreement and not to be treated in any way, shape or form as a separate agreement. The signing of the Mutual Agreement to End Tenancy will in no way, shape, or form alter, change, or negate any or all of the above mutually agreed upon clauses and parts of the agreement – in part or in whole.

Determination and Orders:

Each of the Tenants has signed a Mutual Agreement to End the Tenancy in writing. As a result of the settlement I granted an Order of Possession effective 1:00 p.m. on October 31, 2017 which orders each Tenant to vacate their rental unit by that date. All other claims set out in each of the Applications is dismissed. .

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: September 18, 2017

Residential Tenancy Branch