



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes Landlord: OPL OPC MND ET FF O
Tenant: MT DRI CNC OPT RR FF

Introduction

This hearing dealt with cross Applications for Dispute Resolution filed by the parties under the *Residential Tenancy Act* (the “Act”).

The Landlords’ Application for Dispute Resolution was received at the Residential Tenancy Branch on August 1, 2017, and was amended by an Amendment to an Application for Dispute Resolution, received at the Residential Tenancy Branch on August 25, 2017 (the “Landlords’ Application”). The Landlords applied for the following relief pursuant to the *Act*:

- an order of possession for landlord’s use of property;
- an order of possession for cause;
- an monetary order for damage to the unit, site or property;
- an order ending the tenancy early;
- an order granting recovery of the filing fee; and
- other unspecified relief.

The Tenants’ Application for Dispute Resolution was received at the Residential Tenancy Branch on July 4, 2017, and was amended by an Amendment to an Application for Dispute Resolution, received at the Residential Tenancy Branch on August 29, 2017 (the “Tenants’ Application”). The Tenants applied for the following relief pursuant to the *Act*:

- more time to make an application for dispute resolution;
- an order concerning a disputed additional rent increase;
- an order cancelling a notice to end tenancy for cause;
- an order of possession;
- an order allowing the Tenants to reduce rent for repairs, services or facilities agreed upon but not provided; and
- an order granting recovery of the filing fee.

The Landlords attended the hearing on their own behalves, as did the Tenants. The parties acknowledged receipt of the Application packages and documentary evidence submitted. Pursuant to section 71 of the *Act*, I find the parties were sufficiently served with these documents for the purposes of the *Act*.

No issues were raised with respect to service or receipt of the above documents. The parties were provided the opportunity to present evidence orally and in written and documentary form, and to make

submissions to me. I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

At the outset of the hearing, the parties were advised that Rule 2.3 of the Residential Tenancy Branch Rules of Procedure permits an arbitrator to exercise discretion to dismiss unrelated claims with or without leave to reapply. In these circumstances, I found it appropriate to exercise my discretion to sever both parties' monetary claims. As a result, this Decision addresses only whether or not the tenancy will continue. The parties are granted leave to reapply for the monetary relief sought at a later date.

During the hearing, after the Landlords had provided testimony in support of a One Month Notice to End Tenancy for Cause, dated June 7, 2017, my attention was drawn to a Mutual Agreement to End a Tenancy, dated and signed on May 27, 2017 (the "Agreement"). The Agreement confirms the Tenants' intention to vacate the rental unit by September 30, 2017, at 1:00 p.m. The Tenants confirmed they intend to vacate at that time.

I find that the parties agreed the tenancy will end on September 30, 2017, at 1:00 p.m. In support of the Agreement, and with the understanding of the parties, the Landlords are granted an order of possession, which will be effective on September 30, 2017, at 1:00 p.m. The order of possession may be filed in and enforced as an order of the Supreme Court of British Columbia.

I decline to grant recovery of the filing fees paid to make the Applications to either party. The parties are granted leave to reapply for the monetary relief sought at a later date.

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 13, 2017

Residential Tenancy Branch