



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes O

Introduction

This hearing was convened by way of conference call concerning an application made by the tenants seeking an order cancelling a notice to end the tenancy given by the landlord.

The landlord and both tenants attended the hearing, during which the parties agreed to settle this dispute in the following terms:

1. the tenancy will end on or before October 31, 2017;
2. the landlord will have an Order of Possession effective at 1:00 p.m. on October 31, 2017;
3. the landlord will deduct from October, 2017 rent the landlord's share of hydro and natural gas consumption;
4. the landlord will not enter the rental unit except in accordance with the *Residential Tenancy Act*.

29 (1) A landlord must not enter a rental unit that is subject to a tenancy agreement for any purpose unless one of the following applies:

- (a) the tenant gives permission at the time of the entry or not more than 30 days before the entry;
- (b) at least 24 hours and not more than 30 days before the entry, the landlord gives the tenant written notice that includes the following information:
 - (i) the purpose for entering, which must be reasonable;
 - (ii) the date and the time of the entry, which must be between 8 a.m. and 9 p.m. unless the tenant otherwise agrees;
- (c) the landlord provides housekeeping or related services under the terms of a written tenancy agreement and the entry is for that purpose and in accordance with those terms;
- (d) the landlord has an order of the director authorizing the entry;
- (e) the tenant has abandoned the rental unit;

(f) an emergency exists and the entry is necessary to protect life or property.

(2) A landlord may inspect a rental unit monthly in accordance with subsection (1) (b).

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 settlement.

Conclusion

For the reasons set out above, and by consent, I hereby grant an Order of Possession in favour of the landlord effective at 1:00 p.m. on October 31, 2017.

I further order the landlord to reimburse the tenants the landlord's share of hydro and natural gas consumption by way of a deduction from rent for the month of October, 2017.

I further order the landlord to comply with Section 29 of the *Residential Tenancy Act* as set out above.

This order is final and binding and may be enforced.

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 19, 2017

Residential Tenancy Branch