



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: CNC, FF, MNR, MNSD, OPC

### Introduction:

The Application for Dispute Resolution filed by the Tenants seeks an order to cancel the one month Notice to End Tenancy dated July 29, 2017.

The Application for Dispute Resolution filed by the landlord seeks the following:  
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- a. An order of Possession for Cause
- b. A monetary order in the sum of \$1075.
- c. An order to recover the cost of the filing fee.

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. The parties reached a settlement which I recorded.

I find that the one month Notice to End Tenancy was personally served on the Tenants on July 29, 2017. I find that the Application for Dispute Resolution/Notice of Hearing was filed by the tenant was served on the landlord by mailing, by registered mail to where the Tenant landlord resides. The landlord testified she served the Application for Dispute Resolution filed by the landlord by placing it in the tenant(s) mailbox. The tenant testified she never received it.

### Background and Evidence:

The tenancy began 3 years ago. The present rent is \$1000 per month. The tenants paid a security deposit of \$450 at the start of the tenancy.

### Settlement:

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

- a. The parties mutually agree to end the tenancy on October 15, 2017.

- b. The parties request that the arbitrator issue an Order of Possession for October 15, 2017.
- c. The landlord agrees that provided the tenants vacate the rental unit on or before October 15, 2017 the landlord releases and discharges the tenants from all claims for non payment and loss of rent for the period from September 1, 2017 to October 15, 2017. However, if the tenants failed to vacate the rental unit by October 15, 2017 the landlord reserves the right to claim for non-payment and loss of rent.
- d. The security deposit shall be dealt with in accordance with the Residential Tenancy Act.

Determination and Orders:

As a result of the settlement I issued an Order of Possession effective October 15, 2017. All other claims made in both of the applications are dismissed without leave to re-apply.

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The tenant(s) must be served with this Order of Possession 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 21, 2017

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Residential Tenancy Branch