



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNL, MNDC, OLC, FF

### Introduction

This hearing convened as a result of the Tenants' Application for Dispute Resolution wherein the Tenants requested an Order cancelling a 2 Month Notice to End Tenancy for Landlord's Use issued on August 1, 2017 (the "Notice"), monetary compensation for rent paid in excess of the allowable amount, an Order that the Landlord comply with the *Residential Tenancy Act*, the *Regulation*, or the tenancy agreement, and to recover the filing fee.

Both parties appeared at the hearing. The hearing process was explained and the participants were asked if they had any questions. Both parties were provided the opportunity to present their evidence orally and in written and documentary form, and make submissions to me.

During the hearing the parties resolved matters by mutual agreement. The terms of their agreement is recorded in this my Decision and Order pursuant to section 63 of the *Residential Tenancy Act* and Rule 8.4 of the *Residential Tenancy Branch Rules of Procedure*. As the parties resolved matters by agreement I make no findings of fact or law with respect to their relative claims. The terms of their settlement follow.

### Settlement and Conclusion

1. By no later than November 8, 2017, the Landlord shall pay the Tenants the sum of \$1,197.00 as compensation for rent paid in excess of the allowable amount.
2. The Tenants are granted a Monetary Order in the amount of \$1,197.00. Should the Landlord not pay the \$1,197.00 by November 8, 2017, the Tenants may

serve the Monetary Order on the Landlord and may also file and enforce it in the B.C. Provincial Court (Small Claims Division).

3. The tenancy shall end and the Tenants shall vacate the rental unit by no later than 1:00 p.m. on December 31, 2017.
4. The Landlord is granted an Order of Possession effective 1:00 p.m. on December 31, 2017. The Landlord must serve the Order on the Tenants as soon as possible and may if necessary, file and enforce the Order in the B.C. Supreme Court.
5. Pursuant to section 51(1) of the *Residential Tenancy Act* the Tenants shall not be obligated to pay rent for December 2017.
6. The Tenants shall be permitted to reduce their November rent by \$100.00 such that they shall pay rent in the amount of \$400.00 for November 2017 as compensation for the \$100.00 filing fee.

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 full and final settlement of the issues raised in the Tenants' Application for Dispute Resolution.

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: October 25, 2017

---

Residential Tenancy Branch