



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC, MNDC, MNR

### Introduction

This hearing convened as a result of the Tenants' Application for Dispute Resolution, filed September 1, 2017, wherein the Tenants requested an Order cancelling a Notice to End Tenancy for Cause issued on August 22, 2017 (the "Notice") and monetary compensation from the Landlord for the cost of emergency repairs and money owed or compensation for damage or loss under the *Residential Tenancy Act*, *Residential Tenancy Regulation*, or tenancy agreement.

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.

### Settlement and Conclusion

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 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 this matter.

The terms of their settlement follow.

### Settlement and Conclusion

1. The tenancy shall end and the Tenants shall vacate the rental unit by no later than **1:00 p.m. on December 31, 2017**.
2. 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.
3. The Tenants and the Landlord, or his agent as the case may be, will meet at the property at 11:00 a.m. on December 31, 2017 to conduct the move out condition inspection and prepare the Move Out Condition Inspection Report.
4. In the event the parties agree to a further tenancy (following the end of this tenancy on December 31, 2017), they shall enter into a new residential tenancy agreement. The new agreement shall be finalized by no later than December 15, 2017 failing which the Tenants will vacate the rental unit by 1:00 p.m. on December 31, 2017.
5. In the event the parties agree to a further tenancy as provided for in paragraph 4 above, the Landlord shall make no use of the Order of Possession.

The Tenants' monetary claim is dismissed with leave to reapply.

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: November 30, 2017

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Residential Tenancy Branch