



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, OLC, OPC, FF

Introduction

This hearing was scheduled to deal with cross applications. The tenants applied to cancel a 1 Month Notice to End Tenancy for Cause ("1 Month Notice") and orders for the landlords to comply with the Act, regulations or tenancy agreement. The landlords applied for an Order of Possession for cause. Both parties appeared or were represented at the hearing and were provided the opportunity to make relevant submissions, in writing and orally pursuant to the Rules of Procedure, and to respond to the submissions of the other party.

At the outset of the hearing I confirmed service of hearing documents and evidence upon each other and the Residential Tenancy Branch. The landlords confirmed receipt of the tenant's Application for Dispute Resolution and evidence sent by registered mail. The tenant confirmed receipt of the landlord's Application for Dispute Resolution and evidence by personal delivery to the female tenant.

After a considerable amount of testimony and oral submissions the parties turned their minds to resolving their dispute by way of a mutual agreement. I was able to facilitate a mutual agreement between the parties and I record the agreement by way of this decision and the Order that accompanies it.

Issue(s) to be Decided

What are the terms of the mutual agreement?

Background and Evidence

During the hearing, the parties mutually agreed to the following terms in resolution of the applications before me:

1. The tenancy shall end on December 31, 2017 at which time the tenants shall return vacant possession of the rental unit to the landlords.
2. The tenants remain obligated to pay rent for the month of December 2017.
3. The landlords may gain access the garage on the residential property, and their personal property that is in the garage, by giving the tenants 24 hours of advance notice. The 24 hour notice is to be sent to the male tenant at the email address he provided during the hearing. The male tenant is responsible for conveying this information to the female tenant and/or other occupants of the property.
4. The tenants must ensure that they, or any persons permitted on the property by the tenants, do not use or otherwise disturb the landlord's sauna or piano that remain at the residential property.
5. The parties are expected to participate in a move-out inspection together, as provided for under the Act and Residential Tenancy Regulations, and the security deposit and pet damage deposit are to be administered in accordance with section 38 of the Act at the end of the tenancy.

Analysis

Pursuant to section 63 of the Act, I have the authority to assist parties in reaching a settlement during the hearing and to record the agreement reached in the form of a decision or order.

I have accepted and recorded the mutual agreement reached by the parties during this hearing and I make the terms an Order to be binding upon both parties.

In recognition of the mutual agreement, I provide the landlords with an Order of Possession that is effective at 1:00 p.m. on December 31, 2017 to serve and enforce upon the tenants.

Conclusion

The parties resolved their dispute by way of a mutual agreement that I have recorded by way of this decision and the Order that accompanies it. In recognition of the mutual

agreement, I provide the landlords with an Order of Possession effective at 1:00 p.m. on December 31, 2017.

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 16, 2017

Residential Tenancy Branch