



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes AAT, CNC, FF, LAT, LRE, MNDC, OLC, PSF, RR (Tenant)
OPC (Landlords)

Introduction

This hearing convened as a result of cross applications. In the Tenant's Application filed October 10, 2017 he sought the following orders:

- an order canceling a 1 Month Notice to End Tenancy for Cause issued on September 25, 2017 (the "Notice");
- an order restricting the Landlord's right to enter the rental unit;
- an order that the Tenant or his guests have access to the rental unit;
- a Monetary Order for:
 - damage or loss;
 - authority to deduct the cost of repairs, services or facilities from the rent; and,
 - recovery of the filing fee;
- an Order that the Landlord
 - comply with the *Residential Tenancy Act*, the *Residential Tenancy Regulation*, or the tenancy agreement;
 - make repairs to the rental unit;
 - provide services or facilities required by law; and,
 - be restricted from entering the rental unit;

By Amendment the Tenant increased his monetary claim to \$18,000.00.

In the Landlords' Application filed on October 15, 2017 they sought an Order of Possession based on the Notice.

The hearing was conducted by teleconference at 9:00 a.m. on December 28, 2017.

Both parties called into 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 the Landlords' application as well as some of the matters raised in the Tenant's application 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 Tenant shall vacate the rental unit by no later than **1:00 p.m. on January 15, 2018**.
2. The Landlords are granted an Order of Possession effective **1:00 p.m. on January 15, 2018**. The Landlords must serve the Order on the Tenant as soon as possible and, may if necessary, file and enforce the Order in the B.C. Supreme Court.
3. The parties shall meet at the rental unit at 1:00 p.m. on January 15, 2018 for the purposes of conducting a move out condition inspection and completing a move out condition inspection report in accordance with the *Residential Tenancy Act*, and *Regulations*.
4. The Tenant shall be credited \$100.00 towards his January 2018 rent payment as compensation for the fee paid to file his application at the Residential Tenancy Branch.

5. The parties further agree as follows:

- a. that monthly rent payable is \$1,600.00 such that the per diem rate of rent for January 31, 2018 is \$51.61;
 - b. that on or before January 1, 2018, the Tenant shall pay to the Landlords the sum of \$700.00, representing his rent payment for the period of time he will be in occupation of the rental unit from January 1, 2018 to January 15, 2018 at 1:00 p.m.
 - c. that the above \$700.00 payment includes the \$100.00 credit for the reimbursement of the Tenant's filing fee as provided for in paragraph 4 above;
 - d. that in the event the Tenant vacates the rental unit prior to January 15, 2018, he shall give the Landlords 48 hours' notice of his intention to vacate early, and shall be reimbursed any amounts paid for days in which he was not in occupation at the per diem rate set out in paragraph 5(a) above.
6. The balance of the Tenant's claims made on his application filed October 10, 2017 (as amended) is dismissed with leave to reapply and as remain applicable now that the tenancy is ending.

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: December 28, 2017

Residential Tenancy Branch