



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CAMARGUE PROPERTIES INC.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

CNC, FFT

Introduction

This hearing was convened in response to the Tenants' Application for Dispute Resolution, in which the Tenants applied to set aside a Notice to End Tenancy for Cause and to recover the fee for filing this Application for Dispute Resolution.

The male Tenant stated that on October 04, 2017 the Application for Dispute Resolution and the Notice of Hearing were sent to the Landlord, via registered mail. The Agent for the Landlord acknowledged receipt of these documents.

On November 30, 2017 the Tenants submitted evidence to the Residential Tenancy Branch. The male Tenant stated that this evidence was personally served to the Landlord on November 28, 2017. The Agent for the Landlord acknowledged receiving this evidence and it was accepted as evidence for these proceedings.

On December 05, 2017 the Landlord submitted evidence to the Residential Tenancy Branch. The Agent for the Landlord stated that this evidence was personally served to the Tenant on December 05, 2017. The Tenants acknowledged receiving this evidence and it was accepted as evidence for these proceedings.

Issue(s) to be Decided

Should the Notice to End Tenancy for Cause be set aside?

Background and Evidence

At the outset of the hearing the Landlord and the Tenants mutually agreed to settle all issues in dispute at these proceedings under the following terms:

- the Landlord will withdraw the One Month Notice to End Tenancy that is the subject of this dispute;
- the Landlord will withdraw the cautionary notice, dated August 30, 2017, which was served to the Tenants;
- the Landlord will remove the aforementioned documents from the Tenants' file;
- the Tenants will allow the Landlord to complete repairs in the rental unit, provided the repairs are done with products that will not compromise the health of the Tenants;
- the Landlord will use paint and caulking that is provided by the Tenants; and
- the Tenants can reduce one monthly rent payment by \$100.00 in compensation for the fee paid to file this Application for Dispute Resolution.

This agreement was summarized for the parties on at least three occasions and the parties indicated that they agreed to resolve this dispute under these terms.

The Landlord and the Tenants acknowledged that they understand they were not required to enter into this agreement and that they understood the agreement was final and binding.

Analysis

I find that all issues in dispute at these proceedings have been settled in accordance with the aforementioned settlement agreement.

Conclusion

The issues in dispute at these proceedings have been settled by mutual agreement. This settlement agreement is recorded 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 13, 2017

Residential Tenancy Branch