



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding KAMKO LINDEN APT C/O GATEWAY PROPERTY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC OLC FF

Introduction

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* ("Act") for:

- an Order directing the landlord to comply with the *Act* pursuant to section 62;
- cancellation of the landlord's 1 Month Notice to End tenancy pursuant to section 47; and
- a return of the filing fee pursuant to section 72 of the *Act*

Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to call witnesses, and to make submissions. The landlord was represented at the hearing by O.A., while tenant J.G., spoke on behalf of the tenants.

The tenants confirmed receipt of the landlord's 1 Month Notice on January 6, 2018 and are found to have been duly served in accordance with section 89 of the *Act*. Both parties confirmed receipt of each other's evidentiary packages, and the landlord confirmed receipt of the tenants' application for dispute resolution.

Analysis

Pursuant to section 63 of the *Act*, the Arbitrator may assist the parties to settle their dispute and if the parties settle their dispute during the dispute resolution proceedings, the settlement may be recorded in the form of a decision or an order. During the hearing the parties discussed the issues between them, turned their minds to compromise and achieved a resolution of their dispute.

Both parties agreed to the following final and binding settlement of all issues currently under dispute at this time:

- 1) Both parties agreed to end the tenancy by way of mutual agreement and not on the basis of the landlord's 1 Month Notice dated January 6, 2018.
- 2) The parties agreed that this tenancy would end at 1:00 P.M. on April 30, 2018.
- 3) Both parties agreed that this settlement agreement constituted a final and binding resolution of the tenants' application.

These particulars comprise the full and final settlement of all aspects of this dispute for both parties. Both parties testified at the hearing that they understood and agreed to the above terms, free of any duress or coercion.

Conclusion

The landlord shall be granted a formal Order of Possession which must be served on the tenants. If the tenants do not vacate the rental unit by 1:00 P.M. on April 30, 2018, the landlord may enforce this Order in the Supreme Court of British Columbia.

As the parties agreed to a settlement, the tenants must bear the cost of their own filing fee.

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: March 14, 2018

Residential Tenancy Branch