



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding DARFO APARTMENTS
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPRM-DR, FFL, CNC, CNR

Introduction

This hearing dealt with applications from both the tenants and landlords pursuant to the *Residential Tenancy Act* (the *Act*).

The landlords applied for:

- An order of possession pursuant to section 55; and
- Authorization to recover the filing fee for the application from the tenants pursuant to section 72.

The tenants applied for:

- Cancellation of the landlords' 1 Month Notice to End Tenancy for Cause (the "1 Month Notice") pursuant to section 47; and
- Cancellation of the landlords' 10 Day Notice to End Tenancy for Unpaid Rent pursuant to section 46.

Both parties attended the hearing and were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. Both corporate landlords were represented by their two agents CL and NH. The agent CL (the "landlord") primarily spoke on behalf of the landlords.

As both parties were present service of documents was confirmed. The parties each testified that they were in receipt of all materials. Based on the undisputed testimonies of the parties I find that the tenants were served with the 1 Month Notice, 10 Day Notice, landlord's application and evidence and the landlords were served with the tenants' application, amendment and evidence in accordance with sections 88 and 89 of the *Act*.

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. This tenancy will end at 12:00pm on May 31, 2018 by which time the tenants and any other occupant will have vacated the rental unit.
2. The tenants will pay the landlord outstanding rent in the amount of \$200.00 by 5:00pm on April 11, 2018.
3. The tenants will pay the landlord full rent for the month of May, 2018 in the amount of \$1,550.00 by 5:00pm on April 16, 2018.
4. This tenancy ends by way of this settlement and the 1 Month Notice and 10 Day Notice are cancelled and of no further force or effect.
5. This settlement agreement constitutes a final and binding resolution of the landlord's application at this hearing.

Both parties testified at the hearing that they understood and agreed to the above terms, free of any duress or coercion. Both parties testified that they understood and agreed that the above terms are legal, final, binding and enforceable, which settle all aspects of this dispute.

Conclusion

To give effect to the settlement reached between the parties and as advised to both parties during the hearing, I issue the attached Order of Possession to be served on the tenants by the landlords **only** if the tenant fails to vacate the rental unit by 12:00pm on May 31, 2018. Should the tenants fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

I issue a monetary Order in the landlord's favour in the amount of \$1,750.00, to be used **only** in the event that the tenant does not abide by the monetary terms of the settlement agreement outlined above. Should the tenant fail to comply with this Order, this Order

may be filed in the Small Claims Division of the Provincial Court and enforced as an Order of that Court.

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: April 11, 2018

Residential Tenancy Branch