



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR, AAT, LRE (Tenants' Application)  
OPR, MNR, MNSD, MNDC, FF (Landlord's Application)

### Introduction

This hearing dealt with cross applications. In the Tenants' Application for Dispute Resolution, filed April 14, 2018, they sought an Order canceling a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities issued on April 2, 2018 (the "Notice"), an Order restricting the Landlord's right to enter the rental unit and an Order for access to the unit. In the Landlord's Application for Dispute Resolution, filed April 24, 2018, the Landlord sought an Order of Possession and a Monetary Order for unpaid rent, an Order to retain the security deposit in partial satisfaction of the claim and to recover the filing fee for the Application.

Both parties appeared at the hearing. The Landlord was assisted by S.A. 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.

### Preliminary Matter

The Tenants, G.L. and B.N., named their children as Tenants on their Application for Dispute Resolution. Pursuant to section 64(3)(c) of the *Residential Tenancy Act* and Rule 4.2 of the *Residential Tenancy Branch Rules of Procedure*, I amend the Tenants' Application to remove their children's names.

### Settlement and Conclusion

During the hearing the parties reached a comprehensive settlement. Pursuant to section 63 of the *Act*, and *Rule 8.4* of the *Rules of Procedure* I record their agreement in this my decision and resulting Orders.

As the parties resolved matters by agreement I make no findings of fact or law with respect to their relative claims. Further, 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 the settlement are as follows:

1. The Tenants will vacate the rental unit by no later than **1:00 p.m. on June 19, 2018.**
2. The Landlord is entitled to an Order of Possession effective **1:00 p.m. on June 19, 2018.** This Order may be filed in the B.C. Supreme Court and enforced as an Order of that Court.
3. The Tenants shall pay to the Landlord the amount of \$4,200.00 for unpaid rent for the months April, May and June 2018.
4. The Landlord may retain the security deposit of \$700.00 in partial satisfaction of the amount owing, and is granted a Monetary Order in the amount of **\$3,500.00** for the balance due. This Order may be filed in the Provincial Court (Small Claims) and enforced as an Order of that Court.

This Decision is final and binding on the parties, except as otherwise provided under the Act, and 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: June 14, 2018

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Residential Tenancy Branch