



Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL ERP LRE MNDCT MNRT OLC

Introduction

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

- cancellation of the landlord's 2 Month Notice for Landlord's Use of Property;
- a monetary award pursuant to section 67 of the *Act*;
- emergency repairs to the rental unit pursuant to section 33 of the *Act*;
- an Order restricting the landlord's right to enter the rental unit; and
- an Order directing the landlord to comply with the *Act* pursuant to section 62.

The landlord and his agent, TJD attended the hearing, while tenant F.Z. appeared at the hearing on behalf of the tenants. All parties were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

Both parties confirmed receipt of the 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 entered into a mutual agreement that this tenancy will end on August 1, 2018 at 1:00 P.M., by which date the tenants and any other occupants will have vacated the rental unit.
2. The landlord agreed to pay the tenants a monetary award of \$1,500.00.

3. The tenants agreed to withdraw the remainder of their application for dispute resolution.
4. The parties agreed that the tenants' security deposit will be held in trust by the landlord until it is dealt with in accordance with the *Act* following the conclusion of the tenancy on August 1, 2018.
5. 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. 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 discussed with them during the hearing, I issue an Order of Possession to the landlord, which is to take effect by 1:00 P.M. on August 1, 2018. The landlord is provided with this Order in the above terms and the tenants must be served with this Order in the event that the tenants do not abide by condition #1 of the above settlement. 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.

To give legal effect to the settlement agreed to by the parties and outlined above, I grant the tenants a monetary order of \$1,500.00. Should the landlord fail to comply with the order, the order may be filed in the Provincial Court of British Columbia 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: June 20, 2018

Residential Tenancy Branch