



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, LAT, LRE, OLC, FFT, OT

Introduction

This hearing dealt with an Application for Dispute Resolution (the “Application”) that was filed by the Tenants under the *Residential Tenancy Act* (the “Act”), seeking cancellation of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the “10 Day Notice”), authorization to change the locks of the rental unit, an order restricting or setting conditions on the Landlord’s right to enter the rental unit, an order for the Landlord to comply with the Act, regulation, or tenancy agreement and recovery of the filing fee. The hearing also dealt with an Amendment to an Application for Dispute Resolution (the “Amendment”) seeking resolution of other matters; specifically the Tenant sought a Monetary Order for loss of use of a portion of the rental unit.

The hearing was convened by telephone conference call and was attended by the Tenant L.S. (the “Tenant”), the Landlord, and three witnesses for the Landlord (the “Witnesses”). The Witnesses were excluded from the hearing while the parties provided their evidence and testimony. As the matters were resolved by way of settlement agreement, the Witnesses were not called upon to provide any evidence or testimony for my consideration. Both the Landlord and the Tenant provided affirmed testimony.

Settlement

The opportunity for settlement was discussed with the parties during the hearing. The parties were advised on several occasions during the hearing that there is no obligation to resolve the dispute through settlement, but that pursuant to section 63 of the Act, I could assist the parties to reach an agreement, which would be documented in my decision and supporting orders.

During the hearing, the parties mutually agreed to settle these matters as follows:

1. The parties agree that the tenancy will end on July 15, 2018, at 5:00 PM.
2. The Tenants agree to vacate the rental property by 5:00 PM on July 15, 2018.
3. The rights and obligations of the parties under the Act continue until the tenancy ends in accordance with this agreement.

4. The Landlord agrees that if the Tenants vacate the rental property early, no later than 4:00 PM on July 12, 2018, no rent will be owed for July 2018.
5. The parties agree that if the Tenants do not vacate the rental property before 4:00 PM on July 12, 2018, the Tenants will owe \$800.00 in rent for July 1, 2018, - July 15, 2018.

This settlement agreement was reached in accordance with section 63 of the *Act* and constitutes full and final settlement of the Tenants' Application seeking cancellation of a 10 Day Notice to End Tenancy for Unpaid rent or Utilities (the "10 Day Notice"), authorization to change the locks of the rental unit, an order restricting or setting conditions on the Landlord's right to enter the rental unit, an order for the Landlord to comply with the *Act*, regulation, or tenancy agreement and recovery of the filing fee.

As settlement could not be reached between the parties regarding the Tenants' Application for a Monetary Order for loss of use of a portion of the rental unit, I exercise my discretion pursuant to section 2.3 of the Rules of Procedure to dismiss this claim with leave to reapply.

Conclusion

I order the parties to comply with the terms of their mutually settled agreement described above.

In support of the settlement described above, and with the agreement of the parties, I grant the Landlord an Order of Possession, effective 5:00 PM on July 15, 2018. This Order must be served on the Tenants as soon as possible. Should the Tenants fail to comply with this Order, this order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

In support of the settlement described above, and with the agreement of the parties, I grant the Landlord a conditional Monetary Order in the amount of **\$800.00**. This Order **must** be read in conjunction with the related mutual settlement agreement and the Landlord **must not** serve or seek to enforce this Order on the Tenants if they vacate the rental unit on or before July 12, 2018, at 4:00 PM.

The Landlord is provided with this Monetary Order in the above terms and should the Tenants fail to vacate the rental unit by 4:00 PM on July 12, 2018, the Tenants must be served with this Order as soon as possible. Should the Tenants 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: July 6, 2018

Residential Tenancy Branch