



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes Landlord: OPC MND MNDC MNR FF
Tenant: CNC FF

Introduction

This hearing dealt with cross Applications for Dispute Resolution filed by the parties under the *Residential Tenancy Act* (the “Act”).

The Landlord’s Application for Dispute Resolution was made on June 26, 2018 (the “Landlord’s Application”). The Landlord applied for the following relief, pursuant to the Act:

- an order of possession for cause;
- a monetary order for damage to the unit, site or property;
- a monetary order for money owed or compensation for damage or loss;
- a monetary order for unpaid rent or utilities; and
- an order granting recovery of the filing fee.

The Tenants’ Application for Dispute Resolution was made on June 5, 2018 (the “Tenants’ Application”). The Tenants applied for the following relief, pursuant to the Act:

- an order cancelling a notice to end tenancy for cause; and
- an order granting recovery of the filing fee.

The Landlord was represented at the hearing by E.W. The Tenant N.C. attended the hearing on behalf of both Tenants. Both E.W. and N.C. provided affirmed testimony.

The Landlord requested for a monetary order for damage to the rental unit. I find this aspect of the Landlord’s Application is premature. The Tenants remain in possession of the rental unit until July 31, 2018. The Landlord is granted leave to reapply for a monetary order for damage if the Tenants do not leave the rental unit reasonably clean and undamaged except for reasonable wear and tear at the end of the tenancy, in accordance with section 37 of the Act.

Settlement

The opportunity for settlement was discussed with the parties during the hearing. The parties were advised there is no obligation to resolve the dispute through settlement, but

that 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 this matter as follows:

1. The parties agree the tenancy will end on July 31, 2018, at 1:00 p.m.
2. The Tenants agree to vacate the rental unit no later than July 31, 2018, at 1:00 p.m.
3. The Tenants agree to pay the Landlord \$3,150.00 for unpaid rent to July 31, 2018, and as reimbursement of the filing fee paid to make the Landlord's Application.

This settlement agreement was reached in accordance with section 63 of the *Act*.

Conclusion

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

In support of the settlement, and with the agreement of the parties, I grant the Landlord an order of possession, effective July 31, 2018, at 1:00 p.m. The order of possession may be filed in and enforced as an order of the Supreme Court of British Columbia.

In support of the settlement, and with the agreement of the parties, I grant the Landlord a monetary order in the amount of \$3,150.00. The monetary order may be filed in and enforced as an order of the Provincial Court of British Columbia (Small Claims). 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 24, 2018

Residential Tenancy Branch