



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL FF

Introduction

This hearing dealt with an application from the tenants under the *Residential Tenancy Act* (“*Act*”) for relief as follows:

- a cancellation of the landlord’s Notice to End Tenancy for Landlord’s Use of Property, pursuant to section 49 of the *Act*; and
- a return of the filing fee pursuant to section 72 of the *Act*.

Both the tenant and the landlord attended the hearing. The tenants were represented by tenant J.F., while the landlord was represented by his counsel, J.P.

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.

1. Both parties entered into a mutual agreement that this tenancy will end on July 31, 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 \$1,000.00 if they have vacated the property by July 31, 2018. This money is to be held in trust by the landlord’s counsel, J.P.
3. The landlord agreed to provide the tenants with an indemnity agreement for environmental issues related to the property.

4. The landlord agreed to waive rent for July 2018.
5. Both parties agreed that this settlement agreement constituted a final and binding resolution of the tenants' applications.

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 July 31, 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 tenant does 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.

The landlord will pay the tenants \$1,000.00 if they vacate the property by July 31, 2018.

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 27, 2018

Residential Tenancy Branch