



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding MAVIS MCMULLEN HOUSING SOCIETY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC, FFL; CNC

Introduction

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

- an order of possession for cause, pursuant to section 55; and
- authorization to recover the filing fee for their application, pursuant to section 72.

This hearing also dealt with the tenants' cross-application pursuant to the *Act* for:

- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause, dated August 30, 2018 ("1 Month Notice"), pursuant to section 47.

The individual landlord, the landlord's agent, the two tenants (male and female) attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses. Both the individual landlord and the landlord's agent confirmed that they were the building managers for the landlord company named in this application and that they had permission to speak on its behalf at this hearing (collectively "landlords"). The female tenant ("tenant") confirmed that she had permission to speak on behalf of the "male tenant," as an agent at this hearing (collectively "tenants"). The male tenant did not testify at this hearing. This hearing lasted approximately 34 minutes.

Both parties confirmed receipt of the other party's application for dispute resolution hearing package. In accordance with sections 89 and 90 of the *Act*, I find that both parties were duly served with the other party's application.

Settlement Terms

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 and orders. 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 agreed that this tenancy will end by 1:00 p.m. on January 4, 2019, by which time the tenant(s) and any other occupants will have vacated the rental unit;
2. The tenants agreed to minimize the noise from their dogs in the rental unit and to not leave their dogs unattended in the rental unit between 9:00 p.m. and 9:00 a.m. unless it is an emergency in which case they will notify the landlords that they are leaving their dogs unattended;
3. The landlords agreed that their 1 Month Notice, dated August 30, 2018, is cancelled and of no force or effect.
4. The landlords agreed to bear the cost of the \$100.00 filing fee paid for their application;
5. Both parties agreed that this settlement agreement constitutes a final and binding resolution of both parties' applications at this hearing.

These particulars comprise the full and final settlement of all aspects of this dispute for both parties. Both parties affirmed at the hearing that they understood and agreed to the above terms, free of any duress or coercion. Both parties affirmed that they understood and agreed that the above terms are legal, final, binding and enforceable, which settle all aspects of this dispute.

The tenant confirmed that she had permission to make this agreement on behalf of the male tenant as an agent.

Conclusion

To give effect to the settlement reached between the parties and as advised to both parties during the hearing, I issue the attached Order of Possession to be used by the landlord(s) **only** if the tenant(s) and any other occupants fail to vacate the rental

premises by 1:00 p.m. on January 4, 2019. The tenant(s) must be served with this Order in the event that the tenant(s) and any other occupants fail to vacate the rental premises by 1:00 p.m. on January 4, 2019. Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

The landlords must bear the cost of the \$100.00 filing fee paid for their application.

The landlords' 1 Month Notice, dated August 30, 2018, is cancelled and of no force or effect.

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: October 22, 2018

Residential Tenancy Branch