



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL CNR MNDC OLC RP FF

Introduction

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

- cancellation of the landlord's 10 Day Notice to End Tenancy for unpaid rent (the 10 Day Notice) pursuant to section 46;
- cancellation of a Two Month Notice to End Tenancy For Landlord's Use of Rental Property, pursuant to section 49 (the Two Month Notice);
- a monetary order for compensation for damage or loss under the Act, regulation or tenancy agreement pursuant to section 67;
- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62;
- an order to the landlord to make repairs to the rental unit pursuant to section 32;
- authorization to recover the filing fee for this application pursuant to section 72.

All named parties attended the hearing. During the hearing, the parties expressed an interest and were successful in resolving this dispute by mutual agreement.

Terms of Settlement

Pursuant to section 63 of the Act, an 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.

The parties reached an agreement to settle their dispute under the following final and binding terms:

1. The landlord agrees to pay to the tenants \$3165.72 by electronic mail transfer on or before November 8, 2018. The tenants are granted a Monetary Order for this

amount and the enforceable portion of this order will be reduced in accordance with any payments made to the tenant.

2. The parties agreed that these particulars comprise the full and final settlement of all aspects of this dispute **and** the landlord's application for dispute resolution scheduled to be heard on January 25, 2019 (File #31028072).
3. The parties further agree that no future claims may arise from either party out of this tenancy which ended on October 1, 2018. This includes but is not limited to any claim by the tenant for a return of the security deposit and any potential claim the tenants may have under section 51(2) of the Act for compensation for the landlord's failure to take steps to accomplish the stated purpose for ending the tenancy as per the 2 Month Notice dated August 31, 2018. This also includes but is not limited to any potential future claim the landlord may have had for damages to the rental unit.

Each party confirmed that this agreement was reached voluntarily and that they understood the terms of the agreement. The parties agreed that these particulars comprise the full and final settlement of all aspects of this dispute.

This Decision and Settlement Agreement is final and binding on both parties.

Conclusion

Pursuant to section 67 of the *Act*, I grant the tenants a Monetary Order in the amount of **\$3165.72**. Should the landlord 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: October 18, 2018

Residential Tenancy Branch