



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNR OPC FF

### Introduction

This hearing dealt with applications from both parties pursuant to the *Residential Tenancy Act* ("Act"):

The tenants applied for -

- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause;
- cancellation of the landlord's 10 Day Notice to End Tenancy for unpaid rent; and
- a return of the filing fee.

The landlord applied for –

- an order of possession based on a 1 Month Notice to End Tenancy; and
- a return of the filing fee.

Both tenants and the landlord attended the hearing by way of conference call. All parties were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

### 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.

Both parties agreed to the following final and binding settlement of all issues currently under dispute at this time:

1. Both parties entered into a mutual agreement that this tenancy will end on November 17, 2018 at 1:00 P.M., by which date the tenants and any other occupants will have vacated the rental unit.

2. The tenants agreed to pay rent in its entirety until the conclusion of the tenancy on November 17, 2018.
3. The landlord agreed to accept half of one month's rent in November 2018 in full satisfaction for rent from November 1, 2018 to November 17, 2018.
4. Both parties agreed that this settlement agreement constituted a final and binding resolution of the parties' 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 November 17, 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 tenants do 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.

As the parties reached a settlement agreement, they must each bear the cost of their own filing fee.

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: September 7, 2018

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Residential Tenancy Branch