



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, FFT

Introduction

This teleconference hearing was scheduled in response to an application by the Tenants under the *Residential Tenancy Act* (the “*Act*”) to cancel a 10 Day Notice to End Tenancy for Unpaid Rent (the “10 Day Notice”) and for the recovery of the filing fee paid for this application.

One of the Tenants was present for the duration of the teleconference hearing. The Landlord and a family member (the “Landlord”) were also present. The Landlord confirmed receipt of the Notice of Dispute Resolution Proceeding package and the Tenant confirmed receipt of the Landlord’s evidence.

The Tenant stated that he submitted evidence to the Residential Tenancy Branch through mail which was returned to him. Therefore, no documentary evidence from the Tenants was received by the Residential Tenancy Branch or by the Landlord. The Tenant requested more time to submit evidence, which was not granted due to the pressing nature of a dispute over a 10 Day Notice.

All parties were affirmed to be truthful in their testimony and were provided with the opportunity to present evidence, make submissions and question the other party.

Settlement

In accordance with Section 63 of the *Act*, the parties may be assisted to come to a settlement during the hearing and that mutual agreement may be recorded in the form of a decision. During

the hearing, the parties were provided with the opportunity to discuss settling this dispute and were able to come to a mutual agreement.

The terms of the settlement agreement are as follows:

1. The Tenants will vacate the rental unit by October 20, 2018 at 1:00 pm.
2. The Landlord will be granted an Order of Possession for the rental unit, effective October 20, 2018 at 1:00 pm.

During the hearing, the parties confirmed their understanding that entering into a settlement agreement is voluntary. They also confirmed their understanding that the settlement agreement constitutes full and final settlement of the claims on the Tenants' Application for Dispute Resolution.

Conclusion

I order the parties to comply with the terms of their **settlement agreement** as outlined above.

In order to uphold the terms of the settlement agreement, and with the understanding of both parties, I grant an Order of Possession to the Landlord effective **on October 20, 2018 at 1:00 pm**. 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.

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 11, 2018

Residential Tenancy Branch