

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

CNR MT OLC OPR DR

Introduction

This hearing dealt with an application from both the landlord and the tenants pursuant to the *Residential Tenancy Act* (“*Act*”).

The tenants sought:

- a cancellation of the landlord’s Notice to End Tenancy for unpaid Rent and Utilities, pursuant to section 46 of the *Act*;
- an Order directing the landlord to comply with the *Act* pursuant to section 62; and
- more time to dispute the notice to end tenancy pursuant to section 66 of the *Act*.

The landlord sought:

- an order of possession for unpaid Rent and Utilities, pursuant to section 55 of the *Act*;
- a monetary award for unpaid rent, pursuant to section 67 of the *Act*; and
- a return of the filing fee pursuant to section 72 of the *Act*.

Both parties attended the hearing by way of conference call with the tenants represented by tenant M.C. (the “tenant”). Both parties were given a full opportunity to be heard, to present their testimony, to make submissions, to call witnesses and to cross-examine one another. Both parties confirmed receipt of each other’s applications for dispute and evidentiary packages.

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 30, 2018 at 1:00 P.M., by which date the tenant and any other occupants will have vacated the rental unit.

2. The tenant agreed to pay a monetary award of \$2,962.14 representing unpaid rent for October and November 2018 (2 x \$1450), and unpaid utilities of \$62.14.
3. Both parties agreed that this settlement agreement constituted a final and binding resolution of the parties' applications before me today.

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 30, 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.

I issue a Monetary Order in the landlord's favour in the amount of \$2,962.14 against the tenants. The landlord is provided with a Monetary Order in the above terms and the tenants must be served with this Order as soon as possible. Should the tenants 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.

As the parties reached a settlement, the landlord must bear the cost of her 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: November 8, 2018

Residential Tenancy Branch