



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNR DRI OLC FFT

### Introduction

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

- cancellation of the 10 Day Notice to End Tenancy for Unpaid Rent (10 Day Notice), pursuant to section 46 of the *Act*;
- dispute of a rent increase pursuant to section 41 of the *Act*;
- an Order for the landlord to comply with the *Act*, regulation, and/or tenancy agreement pursuant to section 62 of the *Act*; and
- recovery of the filing fee from the landlord pursuant to section 72 of the *Act*.

Both parties attended the hearing and were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. Tenant W.C. attended and spoke on behalf of both tenants. The landlord attended and was represented by his legal counsel A.S. As both parties were present, service of documents was confirmed.

At the outset of the hearing, the Tenant W.C. testified that they were moving out of the rental unit by December 3, 2018 and therefore no longer disputing the landlord's notice to end tenancy, nor did he wish to pursue the other associated claims on their application for dispute resolution.

The landlord's counsel and the Tenant W.C. engaged in a discussion regarding the tenants' plans to vacate the rental unit and payment of rent.

### 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 the issue currently under dispute at this time:

1. The tenants agree to return vacant possession of the rental unit to the landlord by no later than 2:00 p.m. on December 3, 2018. The landlord is provided with an Order of Possession for this date and time, enforceable only in the event that the tenants fail to abide by the terms of this settlement.
2. The parties agree to meet at 2:00 p.m. on December 3, 2018 at the rental unit, at which time the tenants agree to provide payment of \$3,300.00 to the landlord or landlord's agent. The landlord is provided with a Monetary Order for this amount, and for this date and time, enforceable only in the event that the tenants fail to abide by the terms of this settlement.
3. Both parties agreed that the terms of this settlement as outlined above constitute a final and binding resolution of the tenants' application for dispute resolution filed on October 1, 2018, and the landlord's 10 Day Notice to End Tenancy dated September 28, 2018. As such, the tenants' application is dismissed in its entirety, and the landlord's 10 Day Notice is cancelled and is of no force or effect.
4. The parties agreed to the terms of this settlement free of any duress or coercion.

The parties are still bound by all of the rights, responsibilities, terms, conditions and any statutory compensation provisions of the tenancy agreement, the *Act*, and the associated regulations.

### Conclusion

To give effect to the settlement reached between the parties and as advised to both parties during the hearing, I issue the following Orders:

- 1) I issue to the landlord the attached Order of Possession to be served on the tenants **ONLY** if the tenants fail to provide vacant possession of the rental property per the terms of the settlement.

Should the tenants or anyone on the premises fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

- 2) I issue to the landlord the attached Monetary Order in the amount of \$3,300.00 to be served on the tenants by the landlord **ONLY** if the tenants fail to pay the landlord per the terms of the settlement.

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. If the tenants only make a partial payment and not the total amount, this partial payment must be accounted for if the landlord is enforcing the Monetary Order.

The tenants' application for dispute resolution dated October 1, 2018 is dismissed in its entirety.

The landlord's 10 Day Notice to End Tenancy dated September 28, 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: November 26, 2018

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Residential Tenancy Branch