



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction

This hearing dealt with an application by the tenants pursuant to the *Residential Tenancy Act* ("the Act") for an order as follows:

- to cancel a 10 Day Notice to End Tenancy for Unpaid Rent issued pursuant to section 46 of the *Act*.

Tenant M.M.M. and the landlord D.M. attended the hearing by way of conference call. All parties were given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

The tenant confirmed receipt of the landlord's 10 Day Notice to End Tenancy, while the landlord confirmed receipt of the tenants' application for dispute resolution. I find all parties were duly served in accordance with the *Act*.

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 February 28, 2019 at 1:00 P.M., by which date the tenants and any other occupants will have vacated the rental unit.
2. The parties agreed that this tenancy ends by way of a mutual agreement and not on the basis of the 10 Day Notice to End Tenancy issued on December 10, 2018.

3. The landlord agreed to waive all outstanding rent due for November 2018, December 2018, and January 2019.
4. The landlord agreed to provide the tenants with free rent for February 2019.
5. Both parties agreed that this settlement agreement constituted a final and binding resolution of the tenants' application.

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 February 28, 2019. 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.

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: January 22, 2019

Residential Tenancy Branch