



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, FFL; CNC, OLC, PSF, FFT

Introduction

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

- an order of possession for cause, pursuant to section 55; and
- authorization to recover the filing fee for their application, pursuant to section 72.

This hearing also dealt with the tenant's application pursuant to the *Act* for:

- cancellation of the landlords' 1 Month Notice to End Tenancy for Cause, dated April 17, 2019 ("1 Month Notice"), pursuant to section 47; and
- an order requiring the landlords to comply with the *Act*, *Residential Tenancy Regulation* ("Regulation") or tenancy agreement, pursuant to section 62;
- an order requiring the landlords to provide services and facilities required by law, pursuant to section 65; and
- authorization to recover the filing fee for her application, pursuant to section 72.

The landlords' agent ("landlord"), the landlords' lawyer and the tenant attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses. The landlord confirmed that she and the landlords' lawyer had permission to speak on behalf of both landlords named in this application at this hearing. The hearing lasted approximately 40 minutes.

The hearing began at 9:30 a.m. with me, the landlord and the landlords' lawyer present. The tenant called in late at 9:40 a.m., stating that she could not find the access code to call into the hearing. I informed the tenant about what occurred in her absence before she called into the hearing. The hearing ended at 10:10 a.m.

Both parties confirmed receipt of the other party's application for dispute resolution hearing package. In accordance with sections 89 and 90 of the *Act*, I find that both parties were duly served with the other party's application.

Settlement Terms

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 and orders. 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 agreed that this tenancy will end by 1:00 p.m. on July 31, 2019, by which time the tenant and any other occupants will have vacated the rental unit;
2. The landlord agreed that the landlords' 1 Month Notice, dated April 17, 2019, is cancelled and of no force or effect;
3. The tenant agreed to not allow people with a known criminal record into her rental unit, for the remainder of this tenancy;
4. Both parties agreed to bear the costs of the \$100.00 filing fees paid for their applications;
5. Both parties agreed that this settlement agreement constitutes a final and binding resolution of both parties' applications.

These particulars comprise the full and final settlement of all aspects of this dispute for both parties. Both parties affirmed at the hearing that they understood and agreed to the above terms, free of any duress or coercion. Both parties affirmed 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 advised to both parties during the hearing, I issue the attached Order of Possession to be used by the landlords **only** if the tenant and any other occupants fail to vacate the rental premises by 1:00 p.m. on July 31, 2019. The tenant must be served with this Order in the event

that the tenant and any other occupants fail to vacate the rental premises by 1:00 p.m. on July 31, 2019. Should the tenant fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

The landlords' 1 Month Notice, dated April 17, 2019, is cancelled and of no force or effect.

Both parties must bear the costs of the \$100.00 filing fees paid for their applications.

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: June 11, 2019

Residential Tenancy Branch