



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      **CNC FFT**

### Introduction

This hearing dealt with an application by the tenants under the *Residential Tenancy Act* (the *Act*) for the following:

- Cancellation of One Month Notice to End Tenancy for Cause (“One Month Notice”) pursuant to section 47;
- An order requiring the landlord to reimburse the tenants for the filing fee pursuant to section 72.

The landlord and agent JP attended (“the landlord”). Both tenants attended. Both parties were given a full opportunity to be heard, to present their affirmed testimony and to make submissions. Before the conclusion of this hearing, the parties discussed the issues between them, engaged in a conversation, turned their minds to compromise, and achieved a resolution of their dispute.

Pursuant to section 63 of the *Act*, the Arbitrator may assist the parties to settle their dispute and if the parties do so, the settlement may be recorded in the form of a decision or an order.

Given the agreement reached between the parties during the proceedings, I find that the parties have settled their dispute.

The following records this settlement as a decision:

1. The parties agreed that this tenancy will continue until October 31, 2019 at 1:00 P.M., by which time and date the tenants and any other occupants will have vacated the rental unit;
2. The tenants agreed to remove all items from their unit's deck (except plants) by 5:00 PM on Wednesday, August 21, 2019 at which time the deck will be inspected by JP, agent for the landlord for compliance;
3. The parties agreed that if the unit's deck is not clear of all items (except plants) and fails to meet the approval of the inspector JP, the landlord may serve the tenants forthwith with the order of possession requiring the tenants to vacate the unit on two days' notice notwithstanding paragraph # 1;
4. The tenants agreed that they will water the plants on the deck of the unit in such a way to avoid water leaking from or flowing over the unit's deck, failing which, the landlord may serve the tenants forthwith with the order of possession requiring the tenants to vacate the unit on two days' notice notwithstanding paragraph # 1;
5. The tenants acknowledged that they are responsible for noise which has disturbed other residents of the building in which the unit is located; the tenants agreed that their voices will not henceforth be audible outside the unit, failing which the landlord may serve the tenants forthwith with the order of possession requiring the tenants to vacate the unit on two days' notice notwithstanding paragraph # 1;
6. The security deposit held by the landlord will be dealt with according to the Act at the end of the tenancy.
7. The tenants withdraw their claims without leave to reapply.

To give effect to the settlement reached between the parties, I issue to the landlord the attached order of possession effective 1:00 PM on October 31, 2019 which must be served upon the tenants if the tenants fail to vacate the unit by this time and date.

Conclusion

I grant the landlord the attached order of possession effective 1:00 PM on October 31, 2019 which must be served upon the tenants if the tenants fail to vacate the unit by this time and date.

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: August 20, 2019

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Residential Tenancy Branch