



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes DRI, CNE, FFT

Introduction

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

- an order regarding a disputed additional rent increase, pursuant to section 43;
- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause, dated June 27, 2019 ("1 Month Notice"), pursuant to section 47; and
- authorization to recover the filing fee paid for this application, pursuant to section 72.

"Tenant YYY" did not attend this hearing, which lasted approximately 22 minutes. The landlord and her agent and tenant CY ("tenant") and his English language translator 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 her agent had permission to speak on her behalf and the tenant confirmed that his translator had permission to assist him at this hearing. The tenant had permission to represent tenant YYY at this hearing (collectively "tenants").

The landlord's agent confirmed receipt of the tenants' application for dispute resolution hearing package. In accordance with sections 89 and 90 of the *Act*, I find that the landlord was duly served with the tenants' 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 September 30, 2019, by which time the tenants and any other occupants will have vacated the rental unit;
2. The landlord agreed that her 1 Month Notice, dated June 27, 2019, is cancelled and of no force or effect;
3. The landlord agreed to bear \$50.00, which is half the cost of the \$100.00 filing fee paid for this application, by way of a rent reduction to be enforced on September 1, 2019, where the tenants will pay \$1,200.00 to the landlord for rent instead of \$1,250.00;
4. The tenants agreed to bear \$50.00, which is half the cost of the \$100.00 filing fee paid for this application;
5. The tenants agreed that this settlement agreement constitutes a final and binding resolution of their application at this hearing.

These particulars comprise the full and final settlement of all aspects of this dispute for both parties. Both parties affirmed 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 landlord **only** if the tenants and any other occupants fail to vacate the rental premises by 1:00 p.m. on September 30, 2019. The tenants must be served with this Order in the event that the tenants and any other occupants fail to vacate the rental premises by 1:00 p.m. on September 30, 2019. 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.

The landlord's 1 Month Notice, dated June 27, 2019, is cancelled and of no force or effect.

The tenants must bear the cost of \$50.00, which is half the cost of the \$100.00 filing fee paid for this application.

I order the tenants to deduct \$50.00 from their September 1, 2019 rent payment due to the landlord, so that they are only required to pay \$1,200.00 instead of \$1,250.00 to the landlord, for half the cost of the 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: August 29, 2019

Residential Tenancy Branch