



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      **CNC**

### Introduction

This hearing dealt with an application by the tenant 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.

Both parties had an opportunity to be heard, to present their affirmed testimony and to make submissions during a 41-minute hearing. 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 during the dispute resolution proceedings, 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 and the following records this settlement as a Decision:

### **The Parties mutually agreed as follows:**

- The tenants acknowledged owing the landlord the sum of \$1,486.00 for rent for the months of August and September 2019;
- The month-to-month tenancy between the parties continues pursuant to the terms of the tenancy agreement between them and will end on September 16,

2019 at 1:00 PM at which time the tenants and all occupants will have vacated the unit;

- The parties agreed that in the event the tenants paid the outstanding rent of \$1,486.00 before 1:00 PM on September 10, 2019, the tenants were permitted to reside in the unit until 1:00 PM on September 30, 2019 at which time the tenants and all occupants will have vacated the unit.

To give effect to the settlement reached between the parties, I issue to the landlord the attached monetary order requiring the tenants to pay the sum of \$1,486.00 to the landlord on or before 1:00 PM on September 16, 2019 to be served upon the tenants only if the tenants fail to pay the full amount by that time.

To give effect to the settlement reached between the parties, I issue to the landlord the attached order of possession which must be served upon the tenants, should the tenants fail to vacate the unit by 1:00 PM on September 16, 2019 **and** fail to pay the outstanding rent of \$1,486.00 before 1:00 PM on September 10, 2019; if the tenants paid the outstanding rent of \$1,486.00 before 1:00 PM on September 10, 2019, the attached order of possession must be served upon the tenants should the tenants fail to vacate the unit by 1:00 PM on September 30, 2019.

Both parties testified that they understood and agreed that the above terms are final, binding, and enforceable, and settle all aspects of this application.

Based on the above, I find that all matters between these parties raised in this application are resolved pursuant to the above agreed terms.

### Conclusion

The landlord is granted a monetary order in the amount of **\$1,486.00** to be served on the tenants **only** if the tenants fail to pay the landlord the full amount of **\$1,486.00** by 1:00 PM on September 10, 2019. The order may be filed in the BC Supreme Court (Small Claims Division) and enforced as an order of that Court.

The landlord is granted an order of possession which must be served upon the tenants, only the tenants fail to vacate the unit by 1:00 PM on September 16, 2019 **and** fail to pay the outstanding rent of \$1,486.00 before 1:00 PM on September 10, 2019; if the tenants paid the outstanding rent of \$1,486.00 before 1:00 PM on September 10, 2019, the attached order of possession must be served upon the tenants should the tenants

fail to vacate the unit by 1:00 PM on September 30, 2019. The order may be filed in the BC Supreme Court and enforced as an order of that Court.

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

The order of possession must be served upon the tenants **ONLY** if the tenants fail to comply with the terms of a Decision dated August 29, 2019 filed in this matter.

Conclusion

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: September 03, 2019

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Residential Tenancy Branch