



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET FFL

Introduction

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

- An order for early termination of a tenancy pursuant to section 56;
- Authorization to recover the filing fee for this application pursuant to section 72.

LM attended as agent for the landlord. AP attended on behalf of both tenants. Both parties had an 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 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:

1. The month-to-month tenancy between the parties continues pursuant to the terms of the tenancy agreement between them and will end on October 31, 2019 at 1:00 PM at which time the tenants and all occupants will have vacated the unit;

2. The tenants may vacate the unit before October 31, 2019 upon the provision of two weeks written notice to the landlord of their intention to do so in which case the landlord shall reimburse the tenants on a per diem basis for the unoccupied period of the tenancy;
3. For greater certainty, the parties agreed that the tenants will only pay rent for the days in occupancy providing they provide the landlord with two weeks' notice as set out herein;
4. The security deposit of \$1,135.00 shall be dealt with by the parties according to the Act at the end of the tenancy;
5. The landlord's claim is dismissed without leave to reapply;
6. An application by the tenants to cancel a One Month Notice scheduled for hearing November 5, 2019 (file number referenced on the first page) will be cancelled by the parties.

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 October 31, 2019 to be served upon the tenants ONLY if they fail to vacate at that time.

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.

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.

Conclusion

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 October 31, 2019 to be served upon the tenants ONLY if they fail to vacate at that time.

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 13, 2019

Residential Tenancy Branch