



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes**      CNR, CNC, OLC, RP, FFT

### **Introduction**

This hearing was convened as the result of the tenants' application for dispute resolution under the Residential Tenancy Act (the "Act"). The tenants applied for an order cancelling the landlords' 10 Day Notice to End Tenancy for Unpaid Rent, an order cancelling the landlords' One Month Notice to End Tenancy for Cause, for an order requiring the landlords to comply with the Act, for an order requiring the landlords to make repairs to the rental unit, and for recovery of the filing fee paid for this application.

The parties appeared and based upon the testimony of the tenants, a mediated discussion followed.

### **Preliminary Issue**

The tenants were informed at the beginning of the hearing that I have determined that the portion of their application dealing with a request for an order for repairs and for an order requiring the landlords to comply with the Act, the Regulations, or the tenancy agreement is unrelated to the primary issue of disputing the Notices; in other words, the primary issue is a determination as to consider whether or not the tenancy is ending.

As a result, pursuant to section 2.3 of the Rules, I severed and dismissed that portion of the tenants' application.

### **Settled Agreement**

The tenants and the landlords agreed to a mutual settlement under the following terms and conditions:

1. The tenants agree to vacate the rental unit by 1:00 p.m. on October 31, 2019;
2. The tenants understand the landlords will be issued an order of possession for the rental unit, based upon the settled agreement, and that if the tenants fail to vacate the rental unit by 1:00 p.m., October 31, 2019, the landlords may serve the order of possession on the tenants for enforcement purposes; and
3. The parties acknowledge their understanding that this settled Decision resolves the matters contained in the portion of the tenants' application dealing with their request to cancel the landlords' two Notices and that no finding is made on the merits of the said application or the landlords' Notices.

### Conclusion

The tenants and the landlords have reached a settled agreement.

Based upon the settled agreement as outlined above, I provide the landlords with an order of possession for the rental unit in the event the tenants fail to vacate the rental unit by 1:00 p.m. on October 31, 2019.

Although I informed the tenants at the beginning of the hearing and prior to testimony that I was dismissing with leave the portion of their application dealing with orders for the landlords, as the tenancy is ending, I now dismiss that portion without leave to reapply as those issues are now moot.

As both parties raised concerns of a monetary nature going forward, I informed both parties that they may address those further issues relating to this tenancy through an application for dispute resolution.

This settlement agreement was reached in accordance with section 63 of the *Residential Tenancy Act*. The parties are bound by the terms of this agreement, as well as by the terms of their tenancy agreement and the Act. Should either party violate the terms of this settled agreement, the tenancy agreement or the Act, it is open to the other party to take steps under the Act to seek remedy.

This decision containing the recorded settlement of the parties 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: October 7, 2019

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Residential Tenancy Branch