



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 1103593 B.C. LTD., INC.NO. BC1103593 and BUNGALOW MOTEL
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ERP, FFT

Introduction

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

- an Order for emergency repairs, pursuant to section 33; and
- authorization to recover the filing fee for this application from the landlord, pursuant to section 72.

Tenant L.G. and counsel for the landlord attended and were each given a full opportunity to be heard, to present their affirmed testimony, to make submissions and to call witnesses.

I confirmed with counsel for the landlord that there were no issues with service of the tenants' application for dispute resolution and evidence. I find that the landlord was duly served with the tenants' application and evidence, in accordance with sections 88 and 89 of the *Act*.

Issue to be Decided

1. Are the tenants entitled to an Order for emergency repairs, pursuant to section 33 of the *Act*?
2. Are the tenants entitled to recover the filing fee for this application from the landlord, pursuant to section 72 of the *Act*?

Analysis

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 or an order. During the hearing the parties discussed the issues between them, engaged in a conversation, 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:

1. Both parties agree that the tenants will not pay the landlord any rent for December 2019 and January 2020.
2. The tenants will provide the landlord with vacant possession of the subject rental property by 1:00 p.m. on January 31, 2020.
3. The landlord agrees to pay the tenants the sum of \$6,000.00 via bank draft by December 1, 2019.

These particulars comprise the full and final settlement of all aspects of this dispute for both parties. Both parties gave verbal affirmation at the hearing that they understood and agreed to the above terms as legal, final and binding, which settle all aspects of this dispute.

Conclusion

To give effect to the settlement reached between the parties and as discussed with them during the hearing, I issue the attached Monetary Order in the amount of \$6,000.00 to be used by the tenants **only** if the landlord does not abide by the terms of the settlement agreement.

Should the landlord fail to comply with this Order, this Order may be filed and enforced as an Order of the Small Claims Court of British Columbia.

To give effect to the settlement reached between the parties and as discussed with them during the hearing, I issue the attached Order of Possession effective January 31, 2020 at 1:00 p.m. to be used by the landlord **only** if the tenants do not abide by the terms of the settlement agreement.

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.

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: November 14, 2019

Residential Tenancy Branch