



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, LRE, FFT

Introduction

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

- cancellation of the One Month Notice to End Tenancy for Cause pursuant to section 47;
- landlord's right to enter is suspended or restricted pursuant to section 70; and
- authorization to recover the filing fee for this application from the landlord, pursuant to section 72.

The tenant JG testified attended the hearing on behalf of both tenants. The landlord was represented by two agents ("MZ" AND "WM"). All were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

Th tenant JG testified, and MZ confirmed, that the tenants served the landlords with the notice of dispute resolution documents and supporting evidence package. MZ testified and JG confirmed, that the landlord served the tenants with his evidence package. I find that the parties have been served with the required documents in accordance with the *Act*.

Issue(s) to be Decided

Are the tenants entitled to;

1. cancel One Month Notice to End Tenancy for Cause?
2. An order to suspend or set conditions on the landlords right to enter the rental unit; and
3. recover the filing fee.

Settlement

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 shall vacate the rental unit by December 2, 2019 at 1.00 p.m.
- On or before December 2, 2019, the landlord shall pay the tenants \$11,400.00 representing the return of the pre-paid rent for the months of December 2019, January 2020 and February 2020.

These terms comprise the full and final settlement of all aspects of these applications for both parties.

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 is resolved pursuant to the above agreed terms.

Conclusion

To give effect to the settlement reached between the parties and as discussed with them during the hearing, I issue the attached orders as follows:

1. An order of possession to the landlord, which is to take effect by 1:00 p.m. on December 2, 2019.
2. A monetary order ordering the landlords to pay the tenants \$11,400.00 on or before December 2, 2019

The landlords are provided with this monetary order Order, it may be filed and enforced as an Order of the Small Claim Division of the Provincial Court of British Columbia.

If the tenants fail to comply with this order of possession, it may be filed and enforced as an Order of the Supreme Court of British Columbia.

Further to the settlement reached by the parties, I dismiss all claims by both parties in this application without leave to reapply.

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 27, 2019

Residential Tenancy Branch