



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPC

### Introduction

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

- an order of possession for cause, pursuant to section 55.

The two landlords (male and female) and the two tenants (male and female) attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses. This hearing lasted approximately 30 minutes.

The tenants confirmed receipt of the landlords' application for dispute resolution hearing package. In accordance with sections 89 and 90 of the *Act*, I find that the tenants were duly served with the landlords' application.

Pursuant to section 64(3)(c) of the *Act*, I amend the landlords' application to correct the legal name of the male tenant. Both parties consented to this amendment during the hearing.

### Settlement Terms

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 and orders. During the hearing, the parties discussed the issues between them, 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 at this time:

1. Both parties agreed that this tenancy will end by 1:00 p.m. on February 1, 2020, by which time the tenants and any other occupants will have vacated the rental unit;
2. The landlords agreed their 1 Month Notice, dated October 31, 2019, was cancelled and of no force or effect;
3. The tenants agreed to pay the landlords \$188.49 for November 2019 utilities by January 10, 2020;
4. The tenants agreed to pay half of the total utilities for the rental property to the landlords for December 2019 and January 2020;
5. The landlords agreed that this settlement agreement constitutes a final and binding resolution of their application at this hearing.

These particulars comprise the full and final settlement of all aspects of this dispute for both parties. Both parties affirmed at the hearing that they understood and agreed to the above terms, free of any duress or coercion. Both parties affirmed that they understood and agreed that the above terms are legal, final, binding and enforceable, 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 Order of Possession effective at 1:00 p.m, on February 1, 2020, to be used by the landlords **only** if the tenants do not abide by condition #1 of the above settlement. The tenants must be served with this Order. 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.

The landlords' 1 Month Notice, dated October 31, 2019, is cancelled and of no force or effect.

In order to implement the above settlement reached between the parties, and as advised to both parties during the hearing, I issue a monetary Order in the landlords' favour in the amount of \$188.49, the current amount of utilities due. I deliver this Order to the landlords in support of the above agreement for use **only** in the event that the tenants fail to pay the landlords \$188.49 as per condition #3 of the above agreement. The tenants must be served with this Order. Should the tenants fail to comply with this

Order, this Order may be filed in the Small Claims Division of the Provincial Court and enforced as an Order of that Court.

I order the tenants to pay the landlords half of the total utilities for the rental property for December 2019 and January 2020.

If December 2019 and/or January 2020 utilities are unpaid in the future, the landlords may reapply for a separate monetary order at the RTB, as these amounts were not yet known or due at the time of this hearing on January 7, 2020.

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: January 07, 2020

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Residential Tenancy Branch