



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      RP, CNC, MT, FFT

### Introduction

This hearing convened as a result of a Tenants' Application for Dispute Resolution, filed on April 3, 2020, wherein the Tenants sought to cancel a 1 Month Notice to End Tenancy for Cause issued pursuant to section 47 of the *Residential Tenancy Act* (the "Act") on March 11, 2020 (the "Notice"), an Order for more time to make such an Application pursuant to section 66 of the *Act*, an Order that the Landlord make repairs to the rental unit and recovery of the filing fee.

The hearing of the Tenants' Application was scheduled for 9:30 a.m. on May 26, 2020.

Both parties appeared at the hearing. The hearing process was explained and the participants were asked if they had any questions. Both parties were provided the opportunity to present their evidence orally and in written and documentary form, and make submissions to me.

### Settlement and Conclusion

During the hearing the parties resolved some of the matters raised in the Tenants' Application by mutual agreement. The parties confirmed that this agreement was made on a voluntary basis and that the parties understood the nature of this full and final settlement of this matter. As the parties resolved matters by agreement I make no findings of fact or law with respect to their relative claims.

The terms of their agreement is recorded in this my Decision and Order pursuant to section 63 of the *Residential Tenancy Act* and Rule 8.4 of the *Residential Tenancy Branch Rules of Procedure* as follows:

1. The Tenants are entitled to the sum of \$50.00 representing one half of the filing fee
2. By no later than June 5, 2020, the Tenants shall pay to the Landlord, the outstanding rent of \$4,700.00 in addition to the June 2020 rent of \$2,500.00 less the \$50.00 provided for in paragraph 1 above, for a total payment of \$7,150.00.
3. Should the Tenants pay the \$7,150.00 as provided for above, the tenancy shall end at 1:00 p.m. on June 30, 2020. In furtherance of this, the Landlord is granted an Order of Possession effective 1:00 p.m. on June 30, 2020. This Order must be served on the Tenants and may be filed and enforced in the B.C. Supreme Court.
4. Should the Tenants not pay the \$7,150.00 as ordered above,
  - a. the Landlord shall be entitled to an Order of Possession effective two days after service on the Tenants. In furtherance of this, the Landlord is granted an Order of Possession effective 2 days after service; and,
  - b. the Landlord shall be entitled to a Monetary Order in the amount of \$7,150.00. The Monetary Order must be served on the Tenants and may be filed in the Provincial Court (Small Claims) and enforced as an order of that Court.
5. In the event the Tenants pay the \$7,150.00 as required by this settlement, the Landlord shall make no use of the Order detailed in paragraph 4(a) and (b) of this settlement.
6. The Tenants are at liberty to seek monetary compensation in the form of a retroactive rent reduction for the cost or repairs, services or facilities not provided, including but not limited to the lack of electricity in the basement of the rental unit the non operational swimming pool.

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: May 26, 2020

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Residential Tenancy Branch