



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, CNC, DRI, FFT

Introduction

This hearing dealt with a cross application. The tenants' application pursuant to the Residential Tenancy Act (the Act) submitted on December 10, 2020 is for:

- cancellation of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the Notice) pursuant to section 46;
- an order to dispute a rental increase pursuant to section 43; and
- an authorization to recover the filing fee for this application, under section 72.

The tenants' application pursuant to the Act submitted on January 21, 2021 is for:

- cancellation of the One Month Notice to End Tenancy for Cause (the Notice), pursuant to section 47; and
- an authorization to recover the filing fee for this application, under section 72.

Both parties attended the hearing. All were given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

Settlement

Pursuant to section 63 of the Act, an 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 listed in these applications for dispute resolution:

1. The tenants agree to give vacant possession of the rental unit to the landlord by May 31, 2021 at 1:00 P.M.;
2. The tenants will pay \$1,300.00 per month for rent and utilities until May 31, 2021;

3. The tenants will not wash their car at the rental unit;
4. The tenants are permitted to do laundry twice per week and cook up to five times per week;
5. The tenants cannot cook after 9:00 P.M.;
6. The tenants are permitted to heat food in the microwave anytime if the food is not spicy;
7. The tenants will open the rental unit windows when cooking;
8. The tenants will conserve electricity;
9. Only tenants GB and SB are permitted to occupy the rental unit;
10. Tenant's GB girlfriend may visit during the day but must leave the rental unit by 11:30 P.M. and is not permitted to remain in the rental unit overnight;
11. The landlord may serve the tenants a one month notice to end tenancy if the tenants fail to abide by the terms set out in this settlement agreement.

Conclusion

As the parties have reached a settlement, I make no factual findings about the merits of this application.

To give effect to the settlement reached between the parties and as discussed with them during the hearing, pursuant to section 63(2) of the Act, I issue an order of possession to the landlord, which is to take effect by 1:00 P.M. on May 31, 2021. The landlord is provided with this order in the above terms and must serve it on the tenants in accordance with the Act. If 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: March 08, 2021

Residential Tenancy Branch