



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes For the tenants: CNC, DRI, FFT
For the landlords: OPC, FFL, MNDCL

Introduction

This hearing dealt with a cross application. The tenants' application pursuant to the Residential Tenancy Act (the Act) is for:

- cancellation of the One Month Notice to End Tenancy for Cause (the Notice), pursuant to section 47;
- 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 landlords' application pursuant to the Act is for:

- an order of possession under a One Month Notice to End Tenancy for Cause, pursuant to sections 47 and 55;
- a monetary order for compensation for damage and loss under the Act, the Regulation or tenancy agreement, pursuant to section 67; and
- an authorization to recover the filing fee for this application, under section 72.

Both parties attended the hearing. Landlord RR represents landlord AR. The tenants were assisted by advocate LH. All were given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

At the outset of the hearing both parties expressly affirmed they understand it is prohibited to record this hearing.

Preliminary Issue – Correction of the Landlords' Names and the tenancy address

At the outset of the hearing landlord RR corrected the spelling of both landlords' names and the tenancy address. Pursuant to section 64(3)(c) of the Act, I have amended the tenants' application.

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 between them relating to the tenancy:

1. The landlords are authorized to retain the 800.00 security deposit.
2. The landlords will pay the tenants the amount of \$2,000.00 in 4 monthly instalments of \$500.00, the first payment is due on May 01, 2021 and the following payments are due on the first day of the successive months.
3. The monetary order for \$2,000.00 may be enforced if the landlords default any monthly payment.

Conclusion

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

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 grant the tenants a monetary order in the amount of \$2,000.00. The monetary order may be served if the landlords default on payments. If the landlords fail to comply with the order the tenants may file the order in the Provincial Court (Small Claims) to be enforced as an order of that Court.

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 31, 2021

Residential Tenancy Branch