



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

For the landlord: OPR, OPL, MNRL-S, MNDCL-S, FFL

For the tenants: PSF, CNR, AS, LAT, OLC, LRE (filed on April 22, 2021)

For the tenants: RP, CNC, LRE, LAT, AS, OLC (filed on December 18, 2020)

Introduction

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

- an order of possession under a 10-Day Notice to End Tenancy for Unpaid Rent, pursuant to sections 46 and 55;
- an order of possession under a Two Month Notice to End Tenancy for Landlord's use of property, pursuant to sections 49 and 55;
- a monetary order for unpaid rent, pursuant to section 26;
- a monetary order for loss under the Act, the regulation or tenancy agreement, pursuant to section 67;
- an authorization to retain the tenants' security deposit, under section 38; and
- an authorization to recover the filing fee for this application, under section 72.

The tenants' application filed on April 22, 2021 is for:

- an order requiring the landlord to provide services or facilities as required by the tenancy agreement or the Act, pursuant to section 62;
- cancellation of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, pursuant to section 46;
- an order for the landlord to allow an assignment or sublet when permission was unreasonably denied, pursuant to section 65;
- an order of authorization to change the lock, pursuant to sections 31 and 70;
- an order for the landlord to comply with the Act, the Regulation and/or tenancy agreement, under section 62; and
- an order to restrict or suspend the landlord's right of entry, under section 70.

The tenants' application filed on December 18, 2020 is for:

- an order requiring the landlord to carry out repairs, pursuant to section 32;

- cancellation of the One Month Notice to End Tenancy for Cause (the Notice), pursuant to section 47;
- an order to restrict or suspend the landlord's right of entry, under section 70;
- an order of authorization to change the lock, pursuant to sections 31 and 70;
- an order for the landlord to allow an assignment or sublet when permission was unreasonably denied, pursuant to section 65; and
- an order for the landlord to comply with the Act, the Regulation and/or tenancy agreement, under section 62.

This hearing was originally convened on March 05, 2021 and adjourned to June 01, 2021. This decision should be read in conjunction with the interim decision arising out of the March 05, 2021 hearing.

Both parties attended both hearings. The landlord was represented by agent AD. 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 hearings the attending parties affirmed they understand it is prohibited to record this hearing.

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 July 01, 2021 at 1:00 P.M.
2. The only rental arrears are June's rent.
3. The tenants will pay June's rent by June 04, 2021.
4. The tenants will clean the rental unit and will not purposely damage it.

Both the landlord's application and the tenants' applications indicate the monthly rent is \$750.00.

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 July 01, 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.

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 landlord a monetary order in the amount of \$750.00. The monetary order for the June 04, 2021 payment may be served if the tenants default the June 04, 2021 payment. If the tenants fail to comply with this order the landlord 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: June 02, 2021

Residential Tenancy Branch