



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding GREATER VANCOUVER REGIONAL
DISTRICT and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, FFT

Introduction

This hearing dealt with an Application for Dispute Resolution by the Tenants filed under the *Residential Tenancy Act* (the “Act”) to cancel a One Month Notice to End Tenancy for Cause (the “Notice”) issued on June 11, 2021, and to recover the filing fee for this application. The matter was set for a conference call.

Counsel for the Tenant (the “Tenant”), an agent for the Landlord and the Landlord’s Counsel (the “Landlord”) attended the hearing and were affirmed to be truthful in their testimony. Both the Landlord and the Tenant were provided with the opportunity to present their evidence orally and in written and documentary form and to make submissions at the hearing. Both parties were advised of section 6.11 of the Residential Tenancy Branches Rules of Procedure, prohibiting the recording of these proceedings.

In a case where a tenant has applied to cancel a Notice, Rule 7.18 of the Residential Tenancy Branch Rules of Procedure requires the landlord to provide their evidence submission first, as the landlord has the burden of proving cause sufficient to terminate the tenancy for the reasons given on the Notice.

I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter is described in this Decision.

Issues to be Decided

- Should the Notice issued on June 9, 2021, be cancelled?
- If not, is the Landlord entitled to an order of possession?
- Are the Tenants entitled to the return of their filing fee?

Background and Evidence

During the hearing, both parties expressed a desire to enter into a mutual agreement to end the tenancy. Section 63 of the *Act* allows for the parties to consider a settlement to their dispute during the hearing and that any settlement agreement reached during the hearing may be recorded in the form of a decision and an order. In accordance with this, an opportunity for a settlement discussion was presented, and the parties came to an agreement on a settlement that would resolve their dispute.

During the hearing, the parties agreed to the following settlement:

1. The Tenants agree that they will move out of the rental property no later than 1:00 p.m. on May 31, 2022.
2. The Tenants agreed that they will continue to pay their rent in accordance with the tenancy agreement until this tenancy has ended in accordance with the *Act*.
3. The Tenants agreed that they will abide by the terms of their tenancy agreement until this tenancy has ended in accordance with the *Act*.
4. The Tenants agree to stop dumping manure on or around the rental property.
5. The Tenants agreed to have all previously dumped manure on or around the rental property cleaned up within 14-days of the date of these proceedings.
6. The Tenants agreed to withdraw their request to recover the \$100.00 filing fee paid for these proceedings.

The above terms of the settlement agreement were reviewed with all parties at the end of the hearing, and all parties confirmed that they were entering into the settlement agreement on a voluntary basis. They also confirmed understanding of the terms of the settlement agreement as full and final settlement of this matter.

Analysis

In order to enforce the conditions of the settlement agreement reached between the Landlord and Tenants, I grant an **Order of Possession** to the Landlord with an effective date of **May 31, 2022**. 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.

Conclusion

The parties are ordered to comply with the terms of the settlement agreement as outlined in this decision.

I grant an **Order of Possession** to the Landlord with an effective date not later than 1:00 p.m. on **May 31, 2022**, this Order of Possession must be served upon the Tenants. 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.

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: October 8, 2021

Residential Tenancy Branch