



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, CNL, OLC, FFT
OPR-DR, MNR-DR, FFL

Introduction

This hearing was convened by way of conference call concerning applications made by the tenants and by the landlords. The tenants have applied for an order cancelling a notice to end the tenancy for unpaid rent or utilities; an order cancelling a notice to end the tenancy for landlord's use of property; an order that the landlords comply with the *Residential Tenancy Act*, regulation or tenancy agreement; and to recover the filing fee from the landlords for the cost of the application.

The landlords have applied by way of the Direct Request process for an Order of Possession and a monetary order for unpaid rent and utilities and to recover the filing fee from the tenants, which was referred to this participatory hearing.

One of the tenants and one of the landlords attended the hearing. The tenant advised that the tenants have parted ways.

The landlord advised that the tenant who did not attend this hearing was personally served with the landlords' Hearing Package on July 23, 2021. I accept that, and I find that the tenant who did not attend the hearing has been served in accordance with the *Residential Tenancy Act*.

During the course of the hearing the parties who attended the hearing agreed that the tenancy has ended; the tenants vacated the rental unit at the end of August, 2021. Therefore, I dismiss the tenants' application in its entirety. I also dismiss the landlords' application for an Order of Possession.

Also, during the course of the hearing, the parties agreed to settle this dispute in the following terms:

1. the landlords will keep the \$900.00 security deposit and the \$900.00 pet damage deposit in partial satisfaction of the landlords' claim for unpaid rent (for July, 2021);

2. the landlords will have a monetary order in the amount of \$1,800.00 for the balance of the unpaid rent (for August, 2021);
3. the parties will mutually deal with the landlords' claim for unpaid utilities, and I dismiss that portion of the landlords' claim with leave to reapply.

The parties confirmed at the end of the hearing 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.

Since the parties have settled this dispute, I decline to order that either party recover the filing fees.

Conclusion

For the reasons set out above, and by consent, I hereby order the landlord to keep the \$900.00 security deposit and the \$900.00 pet damage deposit and I grant a monetary order in favour of the landlords as against the tenants in the amount of \$1,800.00.

The tenants' application is hereby dismissed in its entirety without leave to reapply.

The landlords' application for an Order of Possession is also dismissed without leave to reapply.

The landlords' application for a monetary order for unpaid utilities is hereby dismissed with leave to reapply.

This order is final and binding and may be enforced.

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: November 01, 2021

Residential Tenancy Branch