



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

Landlord's application: OPC FFL
Tenants' application: CNC OLC FFT

Introduction

This hearing was convened as a result of an Application for Dispute Resolution (application) by both parties seeking remedy under the *Residential Tenancy Act* (Act). The landlord applied for an order of possession based on a 1 Month Notice to End Tenancy for Cause dated March 22, 2021 (1 Month Notice) and to recover the filing fee. The tenants applied to cancel the 1 Month Notice, for an ordering directing the landlord to comply with the Act, regulation or tenancy agreement and to recover the cost of the filing fee.

The hearing commenced on July 23, 2021 and was adjourned to November 9, 2021. An Interim Decision was issued dated July 23, 2021, which should be read in conjunction with this decision.

Attending all dates of the hearing were the landlord agent, CS (agent), and the tenants. The parties gave affirmed testimony, were provided the opportunity to present their evidence orally and in documentary form prior to the hearing and make submissions to me. As the second date of the hearing, both parties confirmed that they had received and had the opportunity to review documentary evidence from the other party. As a result, I find the parties were sufficiently served under the Act. Words utilizing the singular shall also include the plural and vice versa where the context requires.

Preliminary and Procedural Matters

The parties were informed at the start of the hearing that recording of the dispute resolution is prohibited under the Residential Tenancy Branch (RTB) Rules of Procedure (Rules) Rule 6.11. The parties were also informed that if any recording devices were being used, they were directed to immediately cease the recording of the hearing. In addition, the parties were informed that if any recording was surreptitiously made and used for any purpose, they will be referred to the RTB Compliance Enforcement Unit for the purpose of an investigation under the Act. Neither party had any questions about my direction pursuant to RTB Rule 6.11.

In addition, the parties confirmed their respective email addresses at the outset of the hearing and stated that they understood that the decision would be emailed to them.

Issues to be Decided

- Should the 1 Month Notice be cancelled or upheld?
- Is either party entitled to the recovery of the filing fee?

Settlement Agreement

During the hearing, the parties agreed to settle these matters on the following conditions:

1. The parties agree that both disputes in this cross-application have been resolved and that the tenancy shall continue until ended in accordance with the Act.
2. The tenants agree not to have any unlicensed vehicles or trailers, etc. on the rental property for the remainder of the tenancy.

This settlement agreement was reached in accordance with section 63 of the Act. The parties confirmed at the end of the hearing that this agreement was made on a voluntary basis and that the parties understood the binding nature of this full and final settlement of these matters.

Conclusion

I ORDER the parties to comply with the terms of their settled agreement pursuant to section 63 and 62(3) of the Act.

The parties confirmed their understanding that while they voluntarily formed this mutual agreement that the agreement is final and binding under the Act. The parties also confirmed that they were not being pressured in any way in the formation of this mutually settled agreement.

As this matter was resolved by way of a mutually settled agreement, I find the filing fees offset each other and I do not grant either filing fee as a result.

This decision will be emailed to both parties.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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 9, 2021

Residential Tenancy Branch