



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes For the tenants: MNDCT, CNR, OLC, RP, FFT
For the landlords: OPR-DR, MNR-DR, FFL

Introduction

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

- a monetary order for compensation for damage or loss under the Act, Residential Tenancy Regulation (Regulation) or tenancy agreement, pursuant to section 67;
- cancellation of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the Notice) pursuant to section 46;
- an order for the landlord to comply with the Act, the Regulation and/or tenancy agreement, pursuant to section 62;
- an order requiring the landlord to carry out repairs, pursuant to section 32; 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 the Notice, pursuant to sections 46 and 55;
- a monetary order for unpaid rent, pursuant to section 26; and
- an authorization to recover the filing fee for this application, under section 72.

Landlords US and BS and tenant AD attended the hearing. AD represented tenant AL. 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 the attending parties affirmed they understand it is prohibited to record this hearing.

Per section 95(3) of the Act, the parties may be fined up to \$5,000.00 if they record this hearing: "A person who contravenes or fails to comply with a decision or an order made by the director commits an offence and is liable on conviction to a fine of not more than \$5 000."

Preliminary Issue – Named parties

The tenants' application lists applicant AD and respondent landlord US. The landlords' application lists applicants US and BS and respondents tenants AD and AL.

Both parties agreed the tenants are AD and AL and the landlords are US and BS.

Pursuant to section 64(3)(a) of the Act, I have amended the tenants' application to list applicants AD and AL and respondents landlords US and BS.

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 the issues listed in these applications for dispute resolution:

1. The tenants agree to provide the landlords with vacant possession of the subject rental property by 1:00 P.M. on March 31, 2022.
2. The tenants will pay the landlords the amount of \$12,000.00 for all the rental in arrears until the date of this decision by April 15, 2022 via online transfer. The landlords' account numbers are recorded on the cover page of this decision.
3. Both parties are at liberty to submit monetary claims for damages related to this tenancy, except for rental arrears until the date of this decision.

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 landlords, which is to take effect by 1:00 P.M. on March 31, 2022. The landlords are 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 landlords a monetary order in the amount of \$12,000.00. The monetary order for the April 15, 2022 payment may be served if the tenants default the April 15, 2022 payment. If the tenants fail to comply with this order the landlords 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 25, 2022

Residential Tenancy Branch