



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes**      LRE, OLC, FFT, MNDCT, DRI, RR, CNC

## **Introduction**

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* (the "**Act**") for:

- a determination regarding their dispute of a rent increase by the landlords pursuant to section 43;
- the cancellation of the One Month Notice to End Tenancy for Cause (the "**Notice**") pursuant to section 47;
- an order requiring the landlords to comply with the Act, regulation or tenancy agreement pursuant to section 62
- an order to allow the tenants to reduce rent for repairs, services or facilities agreed upon but not provided, pursuant to section 65;
- a monetary order for compensation for damage or loss under the Act, regulation or tenancy agreement in the amount of \$34,900 pursuant to section 67;
- an order to suspend or set conditions on the landlords' right to enter the rental unit pursuant to section 70; and
- authorization to recover the filing fee for this application from the landlords pursuant to section 72.

All parties attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

## **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.

All parties agreed to the following final and binding settlement of all issues currently under dispute and future issues (with two exceptions set out below) relating to the tenancy:

1. The tenants will vacate the rental unit on or before October 15, 2022 at 1:00 pm.
2. The landlords waive any right to collect rent for September 2022.

3. The landlords will comply with the Act in relation to the return of the security deposit and pet damage deposit (the “**Deposits**”).
4. The landlord may make an application for dispute resolution against the Deposits for damage to the rental unit or failure to clean the rental unit at the end of the tenancy.
5. The tenants may make an application for dispute resolution per section 38(6) of the Act, in the event the landlord fails to return the Deposits or make an application against them in accordance with the Act.
6. The landlords will ensure that the “access driveway” is clear and not blocked for the remainder of the tenancy.
7. The landlords will move the pile of gravel three feet towards the “sea cans” so that it is not impeding the tenants’ access to the rental unit.
8. The landlords will not travel past the “sea cans” for the remainder of the tenancy, except in the case of emergencies or for the purposes of moving the gravel pile.
9. The parties will treat the “sea cans” as the boundary of the residential property for duration of the tenancy.
10. The parties may serve each other via email (email addresses on the cover of this decision).
11. The tenants’ forwarding address is provided on the cover of this decision and is deemed given on the date of this decision for the purposes of section 38 of the Act.

This comprises the full and final settlement of all aspects of this dispute and all future disputes relating to this tenancy between the parties (except those disputes specified above). The parties gave verbal affirmation at the hearing that they understood and agreed to the above terms as legal, final and binding, which settle all aspects of this and all future disputes relating to the tenancy between them.

### **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 at the hearing, I issue the attached order of possession which orders that the tenants provide vacant possession of the rental unit to the landlords by 1:00 pm on October 15, 2022.

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: September 23, 2022

---

Residential Tenancy Branch