



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ERP, FFT

Introduction

This convened as a result of a Tenant's Application for Dispute Resolution, filed January 6, 2023, wherein the Tenant sought an Order that the Landlord complete emergency repairs to the rental unit and to recover the filing fee for the Application.

The hearing was scheduled for teleconference at 9:30 a.m. on January 27, 2023. Both parties called into the hearing. The hearing process was explained, and the participants were asked if they had any questions. Both parties were provided the opportunity to present their evidence orally and in written and documentary form and make submissions to me.

Settlement and Conclusion

During the hearing the parties reached a comprehensive settlement. Pursuant to section 63 of the *Residential Tenancy Act* (the "Act"), I record their agreement in this my Decision and resulting Orders. As the parties resolved matters by agreement, I make no findings of fact or law with respect to their relative claims.

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. The terms of the settlement are as follows.

1. The Tenants will vacate the rental unit by no later than **1:00 p.m. on February 1, 2023.**

2. The Landlord is entitled to an Order of Possession effective **1:00 p.m. on February 1, 2023**. This order may be filed in the Supreme Court and enforced as an order of that Court.
3. The Tenants shall not be responsible for paying rent for February 2023.
4. The Landlord may retain the Tenants' security deposit of \$1,100.00 towards the outstanding rent of \$2,200.00.
5. As this settlement pertains to two separate Tenants' Applications for Dispute Resolution, the Landlord agrees to reimburse the Tenants \$100.00 towards the filing fees paid. The Landlord shall be entitled to a Monetary Order for the balance due in the amount of \$1,000.00. This Order may be filed in the Provincial Court (Small Claims) and enforced as an Order of that Court.
6. The hearing currently scheduled for March 2, 2023 is hereby cancelled. The file number for that matter is included on the unpublished cover page of this my Decision.

This decision is final and binding on the parties, except as 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: January 31, 2023

Residential Tenancy Branch