



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      For the tenants: CNR, CNL, FFT  
                             For the landlords: OPL

### Introduction

Pursuant to section 58 of the Residential Tenancy Act (the Act), I was designated to hear a cross application regarding the above-noted tenancy.

The tenants' application pursuant to the Residential Tenancy Act (the Act) is for:

- cancellation of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the 10 day Notice) pursuant to section 46;
- cancellation of the Two Month Notice to End Tenancy for Landlord's Use (the 2 month Notice), pursuant to section 49; 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 2 month Notice, pursuant to sections 49 and 55.

This hearing was originally convened on December 12, 2022 and adjourned to January 10, 2023. This decision should be read in conjunction with the Interim Decision dated December 13, 2022.

Tenant SN (the tenant) and landlords SM and SA (the landlord) attended the hearing on January 10, 2023. The tenant represented tenant EK. 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 all the parties were clearly informed of the Rules of Procedure, including Rule 6.10 about interruptions and inappropriate behaviour, and Rule 6.11, which prohibits the recording of a dispute resolution hearing. All the parties confirmed they understood the Rules of Procedure.

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 \$5,000.00."

### 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 all issues listed in this application for dispute resolution:

1. The tenants will move out on March 31, 2023 at 1:00 PM.
2. The tenancy is ending because of the 2 month notice dated July 07, 2022.
3. As compensation for section 51 of the Act and extra compensation for the end of the tenancy, the tenants will not pay rent due on February 01 and March 01, 2023.
4. The landlords will return the security deposit in the amount of \$1,325.00 during the move out inspection on March 31, 2023. A monetary order for the tenants will be issued.
5. Both parties are at liberty to submit monetary claims regarding this tenancy, including claims for utilities.
6. The landlords will email the electricity bills to the tenants until the end of the tenancy in the five calendar days after the bills are issued.
7. The parties agree that documents can be served via email. The tenant must email the two landlords. The parties can communicate via phone or text message in emergencies. The parties' email addresses and phone numbers are recorded on the cover page of this decision.

### Conclusion

As the parties have reached a settlement, I make no factual findings about the merits of these applications.

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 on March 31, 2023 at 1:00 P.M. 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 tenants a monetary order in the amount of \$1,325.00. The monetary order for the March 31, 2023 payment may be enforced if the landlords default the March 31, 2023 payment. If the landlords fail to comply with this order the tenants 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: January 11, 2023

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Residential Tenancy Branch