



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC, OLC, FFT

### Introduction

Pursuant to section 58 of the Residential Tenancy Act (the Act), I was designated to hear an application regarding the above-noted tenancy. The tenants applied for:

- cancellation of the One Month Notice to End Tenancy for Cause (the Notice), pursuant to section 47;
- an order for the landlord to comply with the Act, the Residential Tenancy Regulation, and/or tenancy agreement, pursuant to section 62; and
- an authorization to recover the filing fee for this application, under section 72.

Tenants SM (the tenant) and CN and landlords CL (the landlord) and BL attended the hearing. Witnesses for the tenants CM and for the landlords AP and TP also attended. 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 agree to provide the landlord with vacant possession of the subject rental property on August 31, 2023 by 1:00 P.M.
2. The tenants will clean the backyard by February 20, 2023 and the interior of the rental unit by January 31, 2023.
3. The rental unit cannot have rotten food, empty propane tanks and be cluttered.
4. The tenants will remove from the backyard and side of the rental unit: a grey vehicle, which will be parked in the parking spot; the trailer will be fully parked on the side of the property; the excessive wood, cloth tarpaulins and tools will be stored in the shed or removed from the property.
5. The tenants will pay monthly rent in the amount of \$979.00.
6. The tenants have a credit of \$20.00 for rent due on February 01, 2023.
7. The ten day notice to end tenancy dated January 02, 2023 is cancelled.
8. The landlords will inspect the rental unit on January 31, 2023 at 1:00 PM. If the rental unit is not clean the landlords may serve a new one month notice to end tenancy.
9. The parties agree to receive documents via email. The email addresses are recorded on the cover page of the decision. The landlords must email the documents to the tenants' two email addresses 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 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 on August 31, 2023 by 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.

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 20, 2023

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Residential Tenancy Branch