



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing

## **DECISION**

Dispute Codes      CNC, CNR-MT, OPC, FFT, FFL

### Introduction

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

The tenants' application pursuant to the Residential Tenancy Act (the Act), submitted on June 10, 2022 (file \*\*\*\*75150) is for:

- cancellation of the One Month Notice to End Tenancy for Cause dated June 02, 2022 (the June 02 Notice), pursuant to section 47; and
- an authorization to recover the filing fee for this application, under section 72.

The landlord's application pursuant to the Act submitted on September 11, 2022 (file \*\*\*\*84796) is for:

- an order of possession under a One Month Notice to End Tenancy for Cause dated August 19, 2022 (the August 19 Notice), pursuant to sections 47 and 55; and
- an authorization to recover the filing fee for this application, under section 72.

The landlord's application pursuant to the Act submitted on August 11, 2022 (file \*\*\*\*81249) is for:

- an order of possession under a One Month Notice to End Tenancy for Cause dated July 25, 2022 (the July 25 Notice), pursuant to sections 47 and 55; and
- an authorization to recover the filing fee for this application, under section 72.

The tenants' application pursuant to the Act submitted on July 18, 2022 (file \*\*\*\*79170) is for:

- cancellation of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities dated July 07, 2022 (the July 07 10 Day Notice), pursuant to section 46;
- an extension of the timeline for disputing the Notice, pursuant to section 66; and
- an authorization to recover the filing fee for this application, under section 72.

This hearing was originally convened on October 27, 2022 and adjourned to February 27, 2023 due to time constraints. This decision should be read in conjunction with the Interim Decision dated October 27, 2022.

On February 27, 2023 tenants CO (the tenant) and TO and landlords DZ (the landlord) and JK attended the hearing. The tenants represented tenant CN. The landlords were assisted by agents AG and JG. 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 these applications for dispute resolution:

1. The tenants agree to provide the landlord with vacant possession of the subject rental property on March 31, 2023 by 1:00 P.M.
2. The tenancy is ending because of the 2 month notice to end tenancy dated January 20, 2023.
3. The tenants will not pay rent due on March 01, 2023, per section 51(1) of the Act.
4. There are no rental arrears as of February 27, 2023.
5. The landlord will pay the tenants \$200.00 on March 31, 2023 as compensation for the filing fees.

### 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 landlord, which is to take effect on March 31, 2023 by 1:00 PM. The landlord is 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 \$200.00. The tenants are provided with this order in the above terms and must serve it on the landlord in accordance with the Act. The monetary order for the March 31, 2023 payment may be enforced if the landlord defaults on the March 31, 2023 payment. If the landlord fails 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: February 27, 2023

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Residential Tenancy Branch