



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

A matter regarding SQUAMISH DOWNTOWN HOLDINGS
LTD and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNDCT, OLC, FFT, CNC, OLC, FFT

Introduction

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

The tenants' application submitted on October 15, 2022, pursuant to the Act is for:

- a monetary order for compensation for damage or loss under the Act, Residential Tenancy Regulation (Regulation) or tenancy agreement, pursuant to section 67;
- an order for the landlord to comply with the Act, the Regulation and/or tenancy agreement, pursuant to section 62; and
- an authorization to recover the filing fee, under section 72.

The tenants' application submitted on November 21, 2022, pursuant to the Act, is 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 Regulation and/or tenancy agreement, pursuant to section 62; and
- an authorization to recover the filing fee, under section 72.

This hearing was originally convened on February 27, 2023 and adjourned to March 10, 2023 due to time constraints. This decision should be read in conjunction with the interim decision dated February 27, 2023.

Tenants JP (the tenant) and JA and the respondent, represented by agent SK, attended the hearing on March 10, 2023. All were given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

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.”

Preliminary Issue – named Landlord

The tenants’ application submitted on October 15, 2022 names respondent landlord SK.

SK affirmed that he is an agent, and the landlord is Squamish Downtown Holdings Ltd, as stated in the application submitted on November 21, 2022.

Section 64(3)(c) of the Act allows me to amend the application, which I have done to name respondent landlord Squamish Downtown Holdings Ltd in the application submitted on October 15, 2022.

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 May 31, 2023 by 1:00 P.M.
2. The parties will be respectful of each other until the end of the tenancy.
3. The tenants will observe quiet hours from 10:00 P.M. to 08:00 A.M.
4. The tenants may end the tenancy prior to May 31, 2023 by giving the landlord a ten day notice to end tenancy. The landlord will not return the rent previously paid.
5. The parties are at liberty to submit monetary claims regarding this tenancy.

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 landlord, which is to take effect on May 31, 2023 by 1:00 P.M. 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.

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: March 10, 2023

Residential Tenancy Branch