



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes CNC FFT

Introduction

This hearing was convened as a result of the tenants' Application for Dispute Resolution (application) seeking remedy under the *Residential Tenancy Act* (Act). The tenants applied to cancel a 1 Month Notice to End Tenancy for Cause dated November 2, 2022 (1 Month Notice).

The tenants and the landlord attended the teleconference hearing. The parties gave affirmed testimony, were provided the opportunity to present their evidence orally and in documentary form prior to the hearing and make submissions to me.

The parties were provided the ability to ask questions and did not raise any issues regarding the service of documentary evidence. Words utilizing the singular shall also include the plural and vice versa where the context requires.

Preliminary and Procedural Matter

Both parties confirmed their respective email addresses. The parties were informed that the decision would be emailed to both parties.

Issue to be Decided

- Should the 1 Month Notice be cancelled?

Settlement Agreement

During the hearing, the parties agreed to settle this matter on the following conditions:

1. The parties agree that the landlord will be granted an order of possession effective **March 31, 2023 at 2:00PM.**
2. The parties agree to meet at the rental unit address for the purpose of participating in and completing an outgoing condition inspection at 1:30PM on March 31, 2023.
3. The tenants agree to surrender their full security deposit including interest which totals \$1,029.33 to the landlord towards any bylaw fines.

This settlement agreement was reached in accordance with section 63 of the Act. The parties confirmed at the end of the hearing that this agreement was made on a voluntary basis and that the parties understood the binding nature of this full and final settlement of these matters.

The tenants did not seek the recovery of the filing fee and I decline to award the filing fee as the tenants confirmed they signed a new tenancy agreement at the start of this proceeding.

Conclusion

I order the parties to comply with the terms of their settled agreement, pursuant to section 63 of the Act.

The landlord has been granted an order of possession effective March 31, 2023 at 2:00PM. Should the landlord require enforcement of this order, it must be first served on the tenants by the landlord and may be filed in the Supreme Court and enforced as an order of that court.

The parties confirmed their understanding that while they voluntarily formed this mutual agreement that the agreement is final and binding under the Act.

This decision will be emailed to both parties.

The order of possession will be emailed to the landlord for service on the tenants.

The filing fee is not granted.

This decision is final and binding on the parties, unless 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: March 20, 2023

Residential Tenancy Branch