



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing

## **DECISION**

Dispute Codes      CNL, MNDCT, FFT

### Introduction

This hearing convened as a result of a Tenants' Application for Dispute Resolution, filed on March 1, 2023, wherein the Tenants requested an Order canceling a 2 Month Notice to End tenancy issued on February 19, 2023 (the "Notice"), an Order for Monetary Compensation from the Landlord and to recover the filing fee.

The hearing was conducted by teleconference at 1:30 p.m. on March 31, 2023. Both parties called into the hearing and were provided the opportunity to present their evidence orally and in written and documentary form and to make submissions to me.

The parties were cautioned that private recordings of the hearing were not permitted pursuant to *Rule 6.11* of the *Residential Tenancy Branch Rules*. Both parties confirmed their understanding of this requirement and further confirmed they were not making recordings of the hearing.

The parties agreed that all evidence that each party provided had been exchanged. No issues with respect to service or delivery of documents or evidence were raised.

The hearing process was explained and the participants were asked if they had any questions. Both parties were provided the opportunity to present their evidence orally and in written and documentary form, and make submissions to me.

### Settlement and Conclusion

During the hearing the parties resolved matters by mutual agreement. The terms of their agreement is recorded in this my Decision and Order pursuant to section 63 of the

*Residential Tenancy Act* and Rule 8.4 of the *Residential Tenancy Branch Rules of Procedure*. As the parties resolved matters by agreement I make no findings of fact or law with respect to their relative claims.

The parties confirmed at the end of the hearing that this agreement was made on a voluntary basis and that the parties understood the nature of this full and final settlement of this matter.

The terms of their settlement follow.

1. The tenancy shall end and the Tenants shall vacate the rental unit by no later than **1:00 p.m. on June 30, 2023**.
2. The Landlords are granted an Order of Possession effective **1:00 p.m. on June 30, 2023**. The Landlords must serve the Order on the Tenants as soon as possible and may if necessary, file and enforce the Order in the B.C. Supreme Court.
3. The Tenants shall not pay rent for the month of June 2023 as compensation pursuant to section 51(1) of the *Residential Tenancy Act*.
4. The Tenants reserve the right to claim compensation equivalent to 12 months' rent pursuant to section 51(2) of the *Residential Tenancy Act*, should the Landlords not use the property for the purpose stated on the Notice.
5. On or before June 30, 2023 the Landlords shall pay the sum of \$900.00 to the Tenants as compensation for the deck the Tenants built at the rental property.
6. In furtherance of the above, the Tenants are granted a Monetary Order in the amount of \$900.00. Should the Landlords not pay the Tenants the \$900.00 as required the Tenants shall serve the Order on the Landlords and may file and enforce it in the B.C. Provincial Court (Small Claims Division).

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 31, 2023