



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes CNR, LRE, OLC, FFT

Introduction

This hearing dealt with an Application for Dispute Resolution that was filed by the Tenants under the *Residential Tenancy Act* (the Act) on January 6, 2023, seeking:

- Cancellation of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (10 Day Notice);
- An order suspending or setting conditions on the Landlord's right to enter the rental unit;
- An order for the Landlord to comply with the Act, regulations, or tenancy agreement; and
- Recovery of the filing fee.

The hearing was convened by telephone conference call and was attended by the Tenants, the Landlord, and two witnesses for the Landlord. All parties provided affirmed testimony. The parties were advised that personal recordings of the proceedings were prohibited under the Rules of Procedure and confirmed that they were not recording the proceedings.

Settlement

The opportunity for settlement was discussed with the parties during the hearing. The parties were advised on several occasions during the hearing that there is no obligation to resolve the dispute through settlement, but that pursuant to section 63 of the Act, I could assist the parties to reach an agreement, which would be documented in my decision and supporting order.

During the hearing, the parties mutually agreed to settle this matter as follows:

1. The parties agree the tenancy will end at 1:00 pm on May 31, 2023.
2. The parties agree that the move-out condition inspection will occur at 1:00 pm on May 31, 2023, unless otherwise agreed.
3. The Tenants agree not to cause any noise disturbance to the occupants of the unit below them.
4. The parties agree that the Tenants owe \$12,500.00 in outstanding rent for the period up to and including May 31, 2023.

This settlement agreement was reached in accordance with section 63 of the Act and the parties are cautioned that the rights and obligations of the parties under the Act continue until the tenancy ends.

Conclusion

I order the parties to comply with the terms of the mutual settlement agreement described above.

In support of the settlement described above, and with the agreement of the parties, I grant the Landlord an order of possession, effective at 1:00 pm on May 31, 2023. This order of possession must be served on the Tenants as soon as possible. Should the Tenants fail to comply with this order, it may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

I also grant the Landlord a \$12,500.00 monetary order. This monetary order must be served on the Tenants as soon as possible. Should the Tenants fail to comply with this order, it may be filed in the Small Claims Court of British Columbia and 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: May 2, 2023

Residential Tenancy Branch