



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes CNR, CNC, LRE, LAT

Introduction

The Tenant applied for dispute resolution (Application) and seeks the following:

- an order canceling a 10 Day Notice to End Tenancy for Unpaid Rent under section 46(4)(b) of the *Residential Tenancy Act* (the Act);
- an order canceling a One Month Notice to End Tenancy for Cause under section 47(4) of the Act;
- to suspend or set conditions on the Landlords' right to enter the rental unit under section 70 of the Act; and
- authorization to change the locks to the rental unit under section 70 of the Act;

The Tenant and one of the Landlords attended the hearing. The parties affirmed to tell the truth during the hearing. Both parties were each given a full opportunity to be heard, to present affirmed testimony, to call witnesses, and make submissions.

The Tenant testified they served the Notice of Dispute Resolution Package (Materials) on the Landlords on April 21, 2023 via email. The attending Landlord confirmed receipt of the Materials and raised no issues with service. I find that in accordance with sections 89 and 90 of the Act that Tenant's Materials were sufficiently served to the Landlords.

Preliminary Issue: Amendment of Application

The Application listed a PO Box as the address for the rental unit. The parties agreed that the address, per the tenancy agreement, was the correct address for the rental unit. As such, the Application is amended to reflect the correct address for the rental unit.

Two companies were listed as respondent Landlords in the Application. The parties agreed that, per the tenancy agreement, the Landlords are two individuals. The Application will be amended to reflect the correct names of the Landlords accordingly.

Settlement

Per section 63 of the Act, an arbitrator may assist the parties to settle their dispute. 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 were able to reach a compromise and achieved a resolution of their dispute on mutually agreed terms.

Both parties agreed to the following final and binding settlement of all issues listed in the Application:

- The Tenant will provide the Landlords with vacant possession of the rental unit by 1:00 P.M. on June 21, 2023.
- The Landlords are authorized to retain the security deposit of \$387.50 in satisfaction of the rent due on June 1, 2023.
- Both parties agreed that this settlement agreement constituted a final and binding resolution of the Tenant's Application.

To give effect to the settlement reached between the parties and, as discussed with them during the hearing, in accordance with section 63(2) of the Act, I issue an Order of Possession to the Landlords which is to take effect by 1:00 P.M. on June 21, 2023.

As the parties have reached a settlement, I make no factual findings about the merits of this Application.

As discussed during the hearing, the parties will attend a condition inspection of the rental unit at a mutually agreed time. The Landlords are at liberty to make a claim for compensation for damage to the rental unit caused by the Tenant if applicable.

Conclusion

The parties agreed to settlement on final and binding terms.

The Landlords are issued an Order of Possession effective 1:00 P.M. on June 21, 2023. A copy of the Order of Possession is attached to this Decision. It is the Landlords' responsibility to serve the Order of Possession on the Tenant in accordance with the Act. If the Tenant does not comply with the Order of Possession, it may be filed by the Landlords with the Supreme Court of British Columbia and enforced as an order of that court.

The Landlords are authorized to retain the security deposit in satisfaction of rent due June 1, 2023.

This Decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under section 9.1(1) of the Act.

Dated: June 06, 2023

Residential Tenancy Branch