

DECISION

Introduction

This hearing dealt with the Tenants' Application for Dispute Resolution under the *Residential Tenancy Act* (the Act) for:

- cancellation of the Landlord's One Month Notice to End Tenancy for Cause (One Month Notice) under section 47 of the Act
- a Monetary Order for compensation for damage or loss under the Act, regulation or tenancy agreement under section 67 of the Act
- an order requiring the Landlord to comply with the Act, regulation or tenancy agreement under section 62 of the Act
- authorization to recover the filing fee for this application from the Landlord under section 72 of the Act

This hearing also dealt with the Landlord's Application for Dispute Resolution under the *Residential Tenancy Act* (the Act) for:

- an Order of Possession based on a One Month Notice under sections 47 and 55 of the Act
- a Monetary Order for compensation for damage or loss under the Act, regulation, or tenancy agreement under section 67 of the Act
- authorization to retain all or a portion of the Tenant's security deposit in partial satisfaction of the Monetary Order requested under section 38 of the Act
- authorization to recover the filing fee for this application from the Landlord under section 72 of the Act

Rule 2.3 of the Residential Tenancy Branch Rules of Procedure authorizes me to dismiss unrelated claims. In the Tenants' Application, I considered only the Tenants' request to cancel the One Month Notice dated March 4, 2024, and the filing fee. In the Landlord's Application, I considered only the request for an Order of Possession based on a One Month Notice and the filing fee. The Tenants other claims in their application are dismissed, with leave to reapply. The Landlord's claims in their application are dismissed, with leave to reapply.

Notice of Dispute Resolution Proceeding (Proceeding Package and evidence)

The Tenants confirmed service of the Landlord's Application Proceeding Package and evidence.

The Landlord confirmed service of the Tenants' Application Proceeding Package. The Landlord testified that they received a disk from the Tenants but was unable to view the digital evidence. Tenant C.C. testified that they did not confirm with the Landlord prior to the hearing if they had access to their digital evidence. The Tenant's digital evidence was excluded from the hearing in accordance with Residential Tenancy Branch Rules of Procedure 3.10.5 that states before the hearing or conference, a party providing digital evidence to the other party must confirm that the other party has playback equipment or is otherwise able to gain access to the evidence.

Settlement Reached

Under section 63 of the Act, the 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 discussed the issues between them, turned their minds to compromise and reached an agreement to settle their dispute with the following terms:

- both parties agreed that the Tenants will pay the carpet cleaning in the amount of \$236.25 to the Landlord by June 15, 2024
- both parties agreed that the Tenants will remove the washing machine from their rental unit by June 15, 2024

Conclusion

To give effect to the above settlement reached between the parties, I grant a Monetary Order to the Landlord in the amount of \$236.25. The Landlord is provided with this Order and the Tenants must be served with a copy of this Order, following a breach of the terms outlined in the settlement. Should the Tenants fail to comply with this Order, this Order may be filed in the Small Claims Division of the Provincial Court 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 Act.

Dated: May 23, 2024

Residential Tenancy Branch