



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Municipal Affairs

## DECISION

Dispute Codes      CNC / OPC, FFL

### Introduction

The hearing was convened following applications for dispute resolution (Applications) from both parties under the *Residential Tenancy Act* (the Act), which were crossed to be heard simultaneously.

The Tenants seek:

- An order cancelling a One Month Notice to End Tenancy for Cause (the Notice) under section 47(4) of the Act.

The Landlord seeks:

- An Order of Possession based on the Notice under section 55(2)(b) of the Act; and
- To recover the cost of filing fee from the Tenants under section 72 of the Act.

### Preliminary Issue - Amendment

Under section 64(3)(a) of the Act I amended both Applications to remove the owner of the residential property, as they are not party to this tenancy agreement, and to list the correct Landlord.

### Analysis

Per section 63 of the Act, an arbitrator may assist the parties to settle their dispute. Section 64.2 of the Act states that 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 this dispute on mutually agreed terms. Both parties agreed to the following final and binding settlement of all issues listed in the Applications:

- The Tenants will provide the Landlord with vacant possession of the rental unit by 1:00 PM on May 31, 2025.
- To mitigate the presence of rats at the residential property the Tenants will remove any items, including but not limited to garbage and pop cans, from the playhouse area as soon as possible, but not later than midnight on March 10, 2025. The Tenants will not add more items once any existing items are removed. If the Tenants do not remove the items as agreed, the Landlord may remove any items and put them on the street for collection.
- Both parties agreed that this settlement agreement constituted a final and binding resolution of both Applications.

To give effect to the settlement reached between the parties and, as discussed with them during the hearing, per section 64.2 of the Act, I issue an Order of Possession to the Landlord which is to take effect by 1:00 PM on May 31, 2025.

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

As discussed during the hearing, the matter of the security deposit will be discussed by the parties after the condition inspection of the rental unit at the end of the tenancy.

### Conclusion

The parties agreed to settlement on final and binding terms.

The Landlord is issued an Order of Possession effective 1:00 PM on May 31, 2025. A copy of the Order of Possession is attached to this Decision and must be served on the Tenants as soon as possible. If the Tenants do not comply with the Order of Possession, it may be filed by the Landlord with the Supreme 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 Act.

Dated: March 07, 2025

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Residential Tenancy Branch