

Decision

Dispute Codes: CNC, CNL, MNDC, FF

Introduction

This hearing was convened in response to an application by the tenants for cancellation of a notice to end tenancy for cause / cancellation of a notice to end tenancy for landlord's use of property / a monetary order as compensation for damage or loss under the Act, regulation or tenancy agreement / and recovery of the filing fee. Both parties participated in the hearing and gave affirmed testimony.

Issues to be decided

- Whether the tenants are entitled to any or all of the above under the Act, Regulation or tenancy agreement

Background and Evidence

Pursuant to a written tenancy agreement, the term of tenancy is from November 1, 2010 to October 31, 2011. Monthly rent of \$1,250.00 is payable in advance on the first day of each month, and a security deposit of \$625.00 was collected at the start of tenancy.

At the hearing the parties exchanged views on some of the circumstances surrounding the dispute which has developed during the tenancy. I find that it serves no useful purpose to set out the details of the dispute here, as the parties undertook during the hearing to achieve a resolution.

Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: www.rto.gov.bc.ca

Section 63 of the Act provides that the parties may attempt to settle their dispute during a hearing. Pursuant to this provision, discussion between the parties during the hearing led to a resolution. Specifically, it was agreed as follows:

- that pursuant to the landlord's issuance of a 2 month notice to end tenancy for landlord's use of property dated July 28, 2011, the tenancy will end effective October 31, 2011, and an order of possession will be issued in favour of the landlord to that effect;

- that the tenants will mail cheque payment to the landlord for September 2011 in the amount of \$1,225.00 (\$25.00 less than the full monthly rent), which reflects the agreement between the parties to evenly share the \$50.00 cost borne by the tenants for the filing fee;
- that pursuant to section 51 of the Act (**Tenant's compensation: section 49 notice**) the tenants will withhold payment of rent for the month of October 2011;
- that the tenants withdraw all other aspects of their application concerning compensation related to events giving rise to the dispute;
- that the parties will undertake in good faith to resolve the disposition of the security deposit directly between them at the end of tenancy;
- that the above particulars comprise full and final settlement of all aspects of the dispute for both parties, which arise out of this tenancy and which are currently before me.

Conclusion

I hereby issue an **order of possession** in favour of the landlord effective not later than **1:00 p.m., Monday, October 31, 2011.** This order must be served on the tenants. Should the tenants fail to comply with the order, the order may be filed in 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 *Residential Tenancy Act*.

DATE: August 16, 2011

Residential Tenancy Branch