



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT CNR MNDC O FF

Preliminary Issues

Upon review of the Tenant's application the Tenant testified that they had vacated the property as of January 31, 2014. Therefore, she was withdrawing her requests for more time to make her application and her request to obtain an Order to cancel a Notice to end tenancy issued for unpaid rent.

The undisputed evidence provided that the named respondent was the executrix of the Landlord's estate. Accordingly, I amended the style of cause of this application to properly reflect C.S.'s position as executrix, pursuant to section 64 (3)(c) of the *Act*.

Introduction

This hearing dealt with an Application for Dispute Resolution filed on January 13, 2014, by the Tenants to obtain a Monetary Order for money owed or compensation for damage or loss under the *Act*, regulation, or tenancy agreement, for other reasons and to recover the cost of the filing fee totaling \$1,800.00.

The parties appeared at the teleconference hearing, acknowledged receipt of evidence submitted by the other and gave affirmed testimony. At the outset of the hearing I explained how the hearing would proceed and the expectations for conduct during the hearing, in accordance with the Rules of Procedure. Each party was provided an opportunity to ask questions about the process however, each declined and acknowledged that they understood how the conference would proceed.

Issue(s) to be Decided

Have the parties agreed to settle these matters?

Background and Evidence

The Tenant submitted that her son entered into a verbal tenancy agreement with the Landlord back in approximately June 2006 and she moved into the unit with him in approximately 2011. Rent was payable on the first of each month in the amount of

\$600.00 and her son had paid a security deposit of \$300.00. The Landlord's executrix approached them in October 2012 and requested that they move out of the unit by December 31, 2013. They vacated the property on January 31, 2014, and did not pay rent for December 2013 or January 2014.

During the course of this proceeding the parties agreed to settle these matters.

Analysis

Pursuant to section 63 of the *Act*, the Arbitrator may assist the parties to settle their dispute and 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, engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute on the following terms:

- 1) The Tenant withdrew her application for Dispute Resolution;
- 2) The Tenant agrees that they have been compensated for their claim by not paying rent for the last two months of the tenancy (December 2013 and January 2014); and
- 3) Both parties agreed that this settlement agreement constituted a final and binding resolution of all issues arising out of this tenancy

Conclusion

The parties have settled these matters, pursuant to section 63 of the *Residential Tenancy Act*.

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: February 28, 2014

Residential Tenancy Branch

