



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, MNDC, FF, PSF, RR

Introduction

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the Application for Dispute Resolution/Notice of Hearing was personally served on the landlord on June 12, 2014.

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the tenant is entitled to a monetary order for the reduced value of the tenancy and if so how much?
- b. Whether the tenant is entitled to recover the cost of the filing fee?
- c. Whether the tenants are entitled to an order cancelling the one month Notice to End Tenancy?
- d. Whether the tenants are entitled to an order that the landlord provide services or facilities required by law?

Background and Evidence

The tenancy began on March 27, 2013 when the parties entered into a one year fixed term tenancy that was to end on April 30, 2014 and become month to month after that. The tenancy

agreement provided that the tenant(s) would pay rent of \$1600 per month payable on the first day of each month. The tenants also agreed to pay 70% of the utilities. The tenant(s) paid a security deposit of \$800 at the start of the tenancy.

The tenancy ended on July 22, 2014. The landlord has returned the security deposit to the tenants.

The tenants stated they were no longer interested in an order cancelling the one month Notice as they had vacated the rental unit. As a result I dismissed the application for an order cancelling the one month Notice to End Tenancy.

Settlement:

At the end of the hearing the parties reached a settlement and they asked that I record the settlement pursuant to section 63(2) of the Residential Tenancy Act as follows:

- a. The landlord shall pay to the Tenants the sum of \$650.81.
- b. This is a full and final settlement and each party releases and discharges the other from all further claims with respect to this tenancy.

Monetary Order and Cost of Filing fee

I ordered the landlord(s) to pay to the tenants the sum of \$650.81.

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the 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 Residential Tenancy Act.

Dated: August 11, 2014

Residential Tenancy Branch

