



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, FF, O; MT, CNC, O

Introduction

This hearing was convened in relation to cross applications by the tenants and landlord.

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the Act) for:

- an order of possession for cause pursuant to section 55;
- authorization to recover its filing fee for this application from the tenants pursuant to section 72; and
- an "other" remedy.

This hearing also dealt with the tenants' application pursuant to the Act for:

- more time to make an application to cancel the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 66;
- cancellation of the landlord's 1 Month Notice pursuant to section 47;
- an "other" remedy.

The tenant FS and her advocate attended at the hearing. The landlord appeared. The landlord was represented by its agents who are managers of the corporate landlord.

Both parties stated that they had made their requests for "other" remedies in error and asked to amend their applications to withdraw these requests. I allowed both the landlord and the tenants to withdraw their requests for "other" remedies as there is no prejudice to any party in allowing the amendments.

The landlord provided me with evidence that the tenants were served with the dispute resolution package on 12 March 2015 by registered mail. I was proved with Canada Post tracking numbers that showed the same. On the basis of this evidence, I am

satisfied that the tenants were served with notice of this application pursuant to sections 89 and 90 of the Act.

In the course of the hearing the tenant FS and the landlord were able to agree to an end date to this tenancy. The parties did not make any agreement with respect to the merits of their respective applications, but determined that this settlement was the most effective means by which to settle their dispute in respect of the end of tenancy.

Analysis

Pursuant to section 63 of the Act, an 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.

During this hearing, the parties reached an agreement to settle their dispute under the following final and binding terms:

1. The tenants agreed to withdraw their application.
2. The landlord agreed to withdraw its application.
3. The landlord agreed to withdraw the 1 Month Notice.
4. The tenants agreed to provide possession of the rental unit to the landlord on or before one o'clock in the afternoon on 30 April 2015.
5. The parties make this agreement on a without prejudice basis with regard to any other legal rights they may have.

By accepting this agreement the matter of the end of the tenancy is concluded. The tenancy will end on 30 April 2015. The parties stated that they understood the terms of this agreement. The parties agreed that these particulars comprise the full and final settlement of all aspects of their disputes for both parties.

Conclusion

The tenants' application is withdrawn. The landlord's application is withdrawn. The landlord's 1 Month Notice is cancelled

The attached order of possession is to be used by the landlord if the tenant(s) do(es) not vacate the rental premises in accordance with their agreement. The landlord is provided with this order in the above terms and the landlord should serve the tenant(s) with this order so that it may enforce it in the event that the tenant(s) do(es) not vacate the premises by the time and date set out in their agreement. Should the tenant(s) fail to comply with this order, this order may be filed and enforced as an order of the Supreme Court of British Columbia.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under subsection 9.1(1) of the Act.

Dated: April 17, 2015

Residential Tenancy Branch

