



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

RP, ERP, CNC, OLC, RR, PSF, MNDC

Introduction

This hearing was convened as a result of the tenant's application for dispute resolution under the Residential Tenancy Act ("Act"). The tenant applied for an order requiring the landlords to make repairs and emergency repairs to the rental unit, an order cancelling the landlords' 1 Month Notice to End Tenancy for Cause ("Notice"), an order requiring the landlords to comply with the Act, regulations, or tenancy agreement, an order requiring the landlords to provide services or facilities required by law, and for money owed or compensation for damage or loss under the Act, the tenancy agreement or the regulation.

The listed parties attended, the hearing process was explained and they were given an opportunity to ask questions about the hearing process.

At the outset of the hearing, each party confirmed that they had received the other party's evidence. Neither party raised any issues regarding service of the application or the evidence.

The tenant was informed that I have determined that the portions of the tenant's application dealing with anything other than an order cancelling the Notice are unrelated to the primary issue of disputing the Notice. As a result, pursuant to section 2.3 of the Residential Tenancy Branch Rules of Procedure, I have severed the tenant's application and dismissed those portions of the tenant's application, with leave to reapply.

The hearing proceeded only upon the tenant's application to cancel the Notice.

Thereafter a mediated discussion ensued and the parties agreed to resolve their differences and that I would record their settled agreement.

Settled Agreement

The tenant and the landlord agreed to a mutual settlement under the following terms and conditions:

1. The tenant agrees to vacate the rental unit by 1:00 p.m. on April 30, 2016;
2. The tenant understands the landlords will be issued an order of possession for the rental unit, based upon the settled agreement, and that if the tenant fails to vacate the rental unit by 1:00 p.m., April 30, 2016, the landlords may serve the order of possession on the tenant for enforcement purposes;
3. The tenant understands that her monthly rent payments until the end of the tenancy are due in full as recorded in the written tenancy agreement on the 1st day of each month; and
4. The parties acknowledge their understanding that this settled Decision resolves the matters contained in the tenant's application and that no finding is made on the merits of the said application for dispute resolution or the landlords' Notice.

Conclusion

The tenant and the landlord have reached a settled agreement.

Based upon the settled agreement as outlined above, I provide the landlords with an order of possession for the rental unit in the event the tenant fails to vacate the rental unit by April 30, 2016, at 1:00 p.m.

The order of possession is enclosed with the landlords' Decision. This order is a legally binding, final order, and may be filed in the Supreme Court of British Columbia for enforcement as an order of that Court should it become necessary.

This settlement agreement was reached in accordance with section 63 of the Act. The parties are bound by the terms of this agreement, as well as by the terms of their tenancy agreement and the Act. Should either party violate the terms of this settled agreement, the tenancy agreement or the Act, it is open to the other party to take steps under the Act to seek remedy.

This decision recording the settled agreement of the parties 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: December 10, 2015

Residential Tenancy Branch

