



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Podollan Construction Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

CNR, OLC

Introduction

This hearing was held in response to the tenant's application for dispute resolution in which the tenants have applied to cancel a 10 day Notice to end tenancy for unpaid rent and utilities issued on August 5, 2016 and an order the landlord comply with the Act.

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants. The hearing process was explained and the parties were provided with an opportunity to ask questions about the hearing process. They were provided with the opportunity to submit documentary evidence prior to this hearing, all of which has been reviewed, to present affirmed oral testimony and to make submissions during the hearing.

Mutually Settled Agreement

The parties reached the following mutually settled agreement:

- Monthly rent in the sum of \$820.00 is due on the first day of each month;
- Rent for August and September 2016 has not been paid;
- The tenants will immediately obtain a Shelter Information form from the government ministry that pays their rent;
- That form will immediately be taken to the landlord, for the landlord to sign confirming the tenancy that commenced July 2015 has not been ended;
- The tenants will immediately deliver the signed form back to the ministry;
- That all rent owed (August, September and October 2016) will be paid in full no later than October 7, 2016;
- That if rent is not paid in full as agreed by October 7, 2016 the landlord will be in a position to enforce an order of possession and the tenants must vacate the rental unit.

Section 63 of the Act provides:

Opportunity to settle dispute

63 (1) *The director may assist the parties, or offer the parties an opportunity, to settle their dispute.*

(2) *If the parties settle their dispute during dispute resolution proceedings, the director may record the settlement in the form of a decision or an order.*

Therefore, pursuant to section 63 of the Act I find that:

- the landlord is required to sign a shelter information form as soon as it is presented to the landlord by the tenants, confirming that the tenancy has not ended; and
- that August, September and October, 2016 rent must be paid in full no later than October 7, 2016;
- that if all rent is not paid in full by October 7, 2016 the landlord may enforce an order of possession that has been issued, requiring the tenants to vacate two days after service; and
- if August, September and October 2016 rent has been paid in full by midnight on October 7, 2016 the order of possession is not enforceable and the tenancy will continue until it is ended in accordance with the Act.

The tenants had applied requesting access to laundry services. That matter was previously settled.

Conclusion

The parties reached a mutually settled agreement as set out above.

Orders in support of the mutually settled agreement have been issued.

This decision and mutually settled agreement is final and binding and 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: September 26, 2016

Residential Tenancy Branch