



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes CNL, MNDCT, OLC, FFT

### Introduction

This hearing was convened as a result of the tenants' Application for Dispute Resolution ("application") seeking remedy under the *Residential Tenancy Act* ("Act"). The tenants applied to cancel a 2 Month Notice to End Tenancy for Landlord's Use of Property that was undated ("2 Month Notice"), for a monetary claim of \$1,239.08 for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement, for an order directing the landlords to comply with the Act, regulation or tenancy agreement, and to recover the cost of the filing fee.

The tenants, the landlord and a landlord advocate ("advocate") attended the teleconference hearing. The parties gave affirmed testimony, were provided the opportunity to present their evidence orally and in documentary form prior to the hearing, and make submissions to me. The parties had the hearing process explained to them and the parties were also provided with the ability to ask questions during the hearing.

Neither party raised any concerns regarding the service of documentary evidence.

Both parties requested to have the decision sent by email and confirmed their email addresses during the hearing. The parties were informed that the decision will sent by email as requested and that the landlord would receive the order of possession by email.

### Preliminary and Procedural Matter

Rule 2.3 of the Residential Tenancy Branch Rules of Procedure ("Rules") authorizes me to dismiss unrelated disputes contained in a single application. In this circumstance the

tenants indicated several matters of dispute on the application, the most urgent of which is the application to cancel the 2 Month Notice. I find that not all the claims on the application are sufficiently related to be determined during this proceeding. I will, therefore, only consider the tenants' request to cancel the 2 Month Notice and the tenants' application to recover the cost of the filing fee at this proceeding. The tenants' application for monetary compensation is **dismissed, with leave to re-apply**.

### Settlement Agreement

During the hearing, the parties agreed to settle this matter, on the following conditions:

1. The parties agree that the tenancy will end on **November 30, 2018 at 9:00 p.m.**
2. The landlord is granted an order of possession effective November 30, 2018 at 9:00 p.m. which must be served on the tenants.
3. The parties agree that although the 2 Month Notice is undated that the tenants have accepted the 2 Month Notice and are relying on it.
4. The tenants withdraw the portion of their application that was not severed under Rule 2.3 described above as part of this mutually settled agreement.
5. The parties agree that rent for November 2018 is not due as compensation for the 2 Month Notice issued by the landlord.

This settlement agreement was reached in accordance with section 63 of the *Act*. The parties confirmed their understanding and agreement that this mutually settled agreement was made on a voluntary basis and that the parties understood the final and binding nature of their settlement agreement and that it was enforceable.

### Conclusion

I order the parties to comply with the terms of their mutually settled agreement described above as per section 63 of the *Act*.

The tenancy shall end on November 30, 2018 at 9:00 p.m. The landlords have been granted an order of possession effective October 15, 2018 at 1:00 p.m. This order must be served on the tenants and may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

The filing fee is not granted as this matter was resolved by way of a mutually settled agreement.

This decision is final and binding on the parties, unless otherwise provided under the Act, 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: November 27, 2018

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Residential Tenancy Branch