



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, RP, OT, FFT

Introduction

This hearing convened as a result of a Tenants' Application for Dispute Resolution filed on November 6, 2018 wherein the Tenants sought to cancel a 1 Month Notice to End Tenancy for Cause issued on November 3, 2018 (the "Notice"), an Order that the Landlord make repairs to the rental unit, recovery of the filing fee and other unspecified relief.

The hearing was conducted by teleconference on December 13, 2018 at 9:30 a.m. Both parties called into the hearing. The hearing process was explained and the participants were asked if they had any questions. Both parties were provided the opportunity to present their evidence orally and in written and documentary form, and make submissions to me.

Settlement and Conclusion

During the hearing the parties resolved matters by mutual agreement. The terms of their agreement is recorded in this my Decision and Order pursuant to section 63 of the *Residential Tenancy Act* and Rule 8.4 of the *Residential Tenancy Branch Rules of Procedure*. As the parties resolved matters by agreement I make no findings of fact or law with respect to their relative claims.

The parties confirmed at the end of the hearing that this agreement was made on a voluntary basis and that the parties understood the nature of this full and final settlement of this matter.

The terms of their settlement follow.

Settlement and Conclusion

1. The tenancy shall end and the Tenants shall vacate the rental unit by no later than **1:00 p.m. on February 28, 2019.**
2. The Landlord is granted an Order of Possession effective **1:00 p.m. on February 28, 2019.** The Landlord must serve the Order on the Tenants as soon as possible and may if necessary, file and enforce the Order in the B.C. Supreme Court.
3. The parties acknowledge that the Tenants will be on overseas holiday from December 30, 2018 to January 17, 2019. In recognition of this holiday the parties agree as follows:
 - a. the Tenants shall ensure they have a house/dog sitter residing in the rental unit while they are away;
 - b. the Landlord may show the rental property to prospective tenants while the Tenants are on holiday provided that:
 - i. such showings occur between 5:00 p.m. and 7:00 p.m.; and,
 - ii. the Landlord provides the Tenants with 24 hours' notice, such notice to be sent by email to the Tenant C.M. as well as to C.M.'s parents who may facilitate the showings. The email addresses to which the Landlord's notice may be sent, is included on the unpublished cover page of this my Decision; and,
 - c. at all times the Tenants shall ensure that the rental property is in showable condition.
4. At all other times, outside the Tenant's holiday, the Landlord must give 24 hours' notice of entry to show the rental unit to prospective tenants as required by section 29 of the *Residential Tenancy Act*.
5. The Tenants shall pay rent to the Landlord by no later than midnight on January 1, 2019 and February 1, 2019, failing which the Landlord may issue a 10 Day

Notice to End Tenancy for Unpaid Rent or Utilities pursuant to section 46 of the *Residential Tenancy Act*.

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: December 13, 2018

Residential Tenancy Branch