



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPUM-DR, FFL; CNR, OLC, FFT

Introduction

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

- an order of possession for unpaid rent and utilities, pursuant to section 55;
- a monetary order for unpaid rent and utilities, pursuant to section 67; and
- authorization to recover the filing fee for their application, pursuant to section 72.

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

- cancellation of the landlords' 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, dated June 7, 2019 ("10 Day Notice"), pursuant to section 46;
- an order requiring the landlords to comply with the *Act*, *Residential Tenancy Regulation* ("*Regulation*") or tenancy agreement, pursuant to section 62; and
- authorization to recover the filing fee for their application, pursuant to section 72.

The three landlords and the two tenants attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses. This hearing lasted approximately 53 minutes.

The landlords confirmed receipt of the tenants' application for dispute resolution hearing package. In accordance with sections 89 and 90 of the *Act*, I find that the landlords were duly served with the tenants' application.

During the hearing, both parties confirmed that there is a "future hearing" scheduled for the landlords' application on September 6, 2019 at 11:00 a.m. The tenants confirmed receipt of the landlords' application. Both parties agreed to settle the landlords' application at this hearing and confirmed that they would not attend the future hearing because it is cancelled by way of this agreement.

Settlement Terms

Pursuant to section 63 of the *Act*, the 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 and orders. During the hearing, the parties discussed the issues between them, turned their minds to compromise and achieved a resolution of their dispute.

Both parties agreed to the following final and binding settlement of all issues currently under dispute at this time:

1. Both parties agreed that this tenancy will end by 1:00 p.m. on August 31, 2019, by which time the tenants and any other occupants will have vacated the rental unit;
2. The tenants agreed to pay the landlords \$600.00 by way of e-transfer by August 1, 2019, and the landlords agreed to accept it for all outstanding utilities, cable and hydro owed by the tenants for this entire tenancy ending on August 31, 2019;
3. Both parties agreed that the landlords will inspect the tenants' rental unit at 10:00 a.m. on August 24, 2019 and the landlords agreed to advise the tenants if they cancel the appointment;
4. Both parties agreed to complete a move-out condition inspection at 1:00 p.m. on August 31, 2019;
5. Both parties agreed to bear the costs of the \$100.00 filing fees paid for their applications;
6. Both parties agreed that this settlement agreement constitutes a final and binding resolution of the landlords' application scheduled for a future hearing at 11:00 a.m. on September 6, 2019, arising out of this tenancy, the file number of which appears on the front page of this decision;
 - a. Both parties confirmed that they would not be attending the future hearing which is hereby cancelled by way of this settlement;
7. Both parties agreed that this settlement agreement constitutes a final and binding resolution of both parties' applications.

These particulars comprise the full and final settlement of all aspects of this dispute for both parties. Both parties affirmed at the hearing that they understood and agreed to the above terms, free of any duress or coercion. Both parties affirmed that they understood and agreed that the above terms are legal, final, binding and enforceable, which settle all aspects of this dispute.

Conclusion

To give effect to the settlement reached between the parties and as advised to both parties during the hearing, I issue the attached Order of Possession to be used by the landlords **only** if the tenant(s) and any other occupants fail to vacate the rental premises by 1:00 p.m. on August 31, 2019. The tenant(s) must be served with this Order in the event that the tenant(s) and any

other occupants fail to vacate the rental premises by 1:00 p.m. on August 31, 2019. 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.

The landlords' 10 Day Notice, dated June 7, 2019, is cancelled and of no force or effect.

In order to implement the above settlement reached between the parties, and as advised to both parties during the hearing, I issue a monetary Order in the landlords' favour in the amount of \$600.00. I deliver this Order to the landlords in support of the above agreement for use **only** in the event that the tenant(s) fail to pay the landlords \$600.00 as per condition #2 of the above agreement. The tenant(s) must be served with a copy of this Order. Should the tenant(s) fail to comply with this Order, this Order may be filed in the Small Claims Division of the Provincial Court and enforced as an Order of that Court.

Both parties must bear their own costs of the \$100.00 filing fees paid for their applications.

The landlords' application, scheduled for a future hearing on September 6, 2019 at 11:00 a.m., is settled by way of this agreement and neither party is required to attend the future hearing.

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: August 01, 2019

Residential Tenancy Branch