



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, MNDCT, LRE, LAT, FFT, CNC
OPRM-DR, OPR-DR, FFL
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Introduction

This hearing dealt with three applications pursuant to the *Residential Tenancy Act* (the “**Act**”). Two made by the landlords for, both for:

- an order of possession for non-payment of rent pursuant to section 55;
- a monetary order for unpaid rent in the amount of \$1,435 pursuant to section 67;
- authorization to recover the filing fee for this application from the tenant pursuant to section 72.

And one application made by the tenants for

- cancellation of the 10 Day Notice to End Tenancy for Unpaid Rent (the “**10 Day Notice**”) pursuant to section 46;
- cancellation of the One Month Notice to End Tenancy for Cause (the “**One Month Notice**”) pursuant to section 47;
- a monetary order for compensation for damage or loss under the Act, regulation or tenancy agreement in the amount of \$17,800 pursuant to section 67;
- authorization to change the locks to the rental unit pursuant to section 70;
- an order to suspend or set conditions on the landlords’ right to enter the rental unit pursuant to section 70; and
- authorization to recover the filing fee for this application from the landlords pursuant to section 72.

I note that the landlords intended for one of the applications to for an order of possession for cause, but mis-filed it. As the tenants have dispute the One Month Notice, it is not necessary for me to address the landlords’ oversight further, and the effect of a failed application to dispute the One Month Notice is the same as a effect of a successful application for an order of possession for cause: the end of the tenancy. The tenant CB attended the hearing. Landlord EB attended the hearing. Both were given a full opportunity to be heard, to present affirmed testimony, and to make submissions.

Preliminary Issue – Tenant TC

Tenant TC is the daughter of the Tenant CB. Both CB and EB agreed that the TC is not properly a party to this application, as she is not listed as a tenant on the tenancy agreement. As such, with the consent of the parties, I amend the tenants' application to remove TC as a party.

Settlement

Pursuant to section 63 of the Act, an 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 or an order. During the hearing the parties discussed the issues between them, engaged in a conversation, 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:

1. The tenant will vacate the rental unit on or before January 1, 2021 at 4:00 pm.
2. The tenant will pay the landlords \$245.
3. The landlords may keep the security deposit (\$700).
4. The landlords abandon their claim for any rental arrears for October, November, or December 2020.
5. The tenant abandons all claims in her application.

These particulars comprise the full and final settlement of all aspects of this dispute. The parties gave verbal affirmation at the hearing that they understood and agreed to the above terms as legal, final, and binding, which settle all aspects of issues in the applications before me.

Conclusion

As the parties have reached a settlement, I make no factual findings about the merits of this application.

To give effect to the settlement reached between the parties, and as discussed at the hearing, I issue:

- 1) the attached monetary order ordering the tenant to pay the landlords \$245; and

- 2) the attached order of possession which orders that the tenant provide vacant possession of the rental unit to the landlord by 4:00 pm on January 1, 2021.

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 15, 2020

Residential Tenancy Branch