



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Introduction

This hearing dealt with two applications pursuant to the *Residential Tenancy Act* (Act).

The Landlord's application for:

- An order of possession,
- The Tenant to repair the damage they caused during the tenancy,
- Compensation for monetary loss, request to retain the security deposit,
- Reimbursement of the filing fee.

And the Tenants' application for:

- Cancellation of a Two Month Notice to End Tenancy for Landlord's Use of Property (the Two Month Notice).

Tenants TN and NH attended the hearing.

Landlord JT attended the hearing.

Analysis

Under section 63 of the Act, the Arbitrator may assist the parties to settle their dispute. 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 this hearing, the parties reached an agreement to settle their dispute.

Both parties agreed to the following terms of a final and binding resolution of both of their applications and the issues in dispute arising out of this tenancy at this time and that they did so of their own free volition and without any element of coercion:

1. The Tenants will vacate the rental unit by December 31, 2023, no later than 1:00pm.
2. The Tenants will pay monthly rent (\$1,540.50) for October, November and December 2023, in the total amount of \$4,621.50. The Tenants received compensation of five month's rent, from May to September 2023.

3. These particulars comprise the full settlement of all aspects of the Landlord's and Tenants' current applications for dispute resolution.

Conclusion

In order to give effect to the settlement reached between the parties, and as discussed at the hearing, I grant an Order of Possession to the Landlord effective **on December 31, 2023 at 1:00pm, after service of this Order** on the Tenants. Should the Tenants or any occupant on the premises fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

In order to give effect to the above settlement reached between the parties, I grant a Monetary Order in the Landlord's favour in the amount of **\$4,621.50**. The Landlord is provided with this Order and the Tenants must be served with a copy of this Order. Should the Tenants fail to comply with this Order, the Order may be filed in the Small Claims Division of the Provincial Court and enforced as Orders of that Court. This Order will be of no force or effect if the amount owing has been paid by the Tenants.

At the end of the tenancy the Tenants must leave the rental unit reasonably clean and undamaged except for reasonable wear and tear. Tenants and landlords both have an obligation to complete a move-out condition inspection at the end of the tenancy. To learn about obligations related to deposits, damage and compensation, search the [RTB website](#) for information about after a tenancy ends.

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: October 25, 2023

Residential Tenancy Branch