



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes CNR, CNC, MNDC, ERP, RP, PSF

Introduction

This matter dealt with an application by the Tenant to cancel a 10 Day Notice to End Tenancy for Unpaid Rent dated March 5, 2011, to cancel a One Month Notice to End Tenancy for Cause dated February 28, 2011, for an Order that the Landlord make emergency repairs, general repairs and provide services and facilities and for a Monetary Order for compensation for damage or loss under the Act or tenancy agreement.

RTB Rule of Procedure 2.3 states that “if in the course of the dispute resolution proceeding, the Dispute Resolution Officer determines that it is appropriate to do so, the Dispute Resolution Officer may dismiss unrelated disputes contained in a single application with or without leave to reapply.” I find that the Tenant’s application for an Order that the Landlord make emergency repairs, general repairs and provide services and facilities and for a Monetary Order for compensation for damage or loss under the Act or tenancy agreement is unrelated to his application to cancel the two Notices to End Tenancy and as a result, they are severed from this hearing.

Issue(s) to be Decided

1. Does the Landlord have grounds to end the tenancy?

Background and Evidence

This tenancy started on or about January 1, 2011. Rent is \$325.00 per month for a bedroom and the shared use of kitchen and bathroom facilities in the basement suite which the Landlord rented to another tenant under a separate agreement. At the beginning of the hearing, the Tenant admitted that he is moving out of the rental unit on March 29, 2011 and as a result, the Parties agreed to settle this part of the Tenant’s claim.

Analysis

Section 63(2) of the Act says that “if the parties settle their dispute during dispute resolution proceedings, the director may record the settlement in the form of a decision or order.” During the hearing, the Parties agreed as follows:

1. The Tenant's application to cancel a 10 Day Notice to End Tenancy for Unpaid Rent dated March 5, 2011 and to cancel a One Month Notice to End Tenancy for Cause dated February 28, 2011 are withdrawn; and
2. The tenancy will end on March 29, 2011 and the Landlord will receive an Order of Possession to take effect at 1:00 p.m. on March 29, 2011.

Conclusion

The Tenant's application to cancel a 10 Day Notice to End Tenancy for Unpaid Rent dated March 5, 2011 and to cancel a One Month Notice to End Tenancy for Cause dated February 28, 2011 are withdrawn. As the tenancy will be ending, the Tenant's application for an Order requiring the Landlord to make emergency repairs and general repairs and to provide services and facilities is dismissed without leave to reapply. The Tenant's application for compensation is dismissed with leave to reapply.

An Order of Possession to take effect at 1:00 p.m. on March 29, 2011 has been issued to the Landlord. A copy of the Order must be served on the Tenant and may be enforced in the Supreme Court of British Columbia.

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: March 23, 2011.

Residential Tenancy Branch