



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, RP, RR, CNC

Introduction

This hearing was convened by way of conference call in response to an application made by the tenant for a monetary order for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement; for an order that the landlord make repairs to the unit, site or property; and for an order allowing the tenant to reduce rent for repairs, services or facilities agreed upon but not provided. During the hearing the application was amended, with the consent of the parties, to include an application to cancel a notice to end tenancy for cause.

Both parties attended the conference call hearing, and the landlord was represented by an agent. The tenant was accompanied by an advocate.

During the course of the hearing, the parties agreed to settle this dispute on the following conditions:

1. The tenant withdraws the application;
2. The landlord withdraws the notice to end tenancy;
3. The tenant will move from the rental unit by March 31, 2012 or sooner, and the landlord will have an Order of Possession effective March 31, 2012 at 1:00 p.m.;
4. If the tenant is able to move prior to March 31, 2012 the tenant will notify the landlord, return the keys to the rental unit to the landlord, and pay the proportion of rent due to that day;
5. During the balance of the tenancy, the landlord will keep the heat turned up to 22 degrees Celsius in the rental unit;
6. If either party fails to abide by this settlement Decision, the other party will be at liberty to further apply for relief under the *Residential Tenancy Act*.

Conclusion

For the reasons set out above, I hereby grant an Order of Possession in favour of the landlord effective March 31, 2012 at 1:00 p.m. If the tenant is served with the Order of

Possession and fails to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

I further order the parties to comply with the settlement agreement stated above.

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: January 18, 2012.

Residential Tenancy Branch