

DECISION

Dispute Codes CNC MNDC FF

Introduction

This hearing dealt with an Application for Dispute Resolution under the *Residential Tenancy Act* (the “*Act*”) by the tenant to cancel a 1 Month Notice to End Tenancy for Cause, for a monetary order for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement, and to recover the filing fee.

The landlord, the tenant and a witness for both parties appeared at the hearing, gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions to me.

Preliminary and Procedural Matter

Rule 2.3 of the Residential Tenancy Branch Rules of Procedure authorizes me to dismiss unrelated disputes contained in a single application. In these circumstances the tenant indicated two matters of dispute on the Application for Dispute Resolution, the most urgent of which is the application to set aside the 1 Month Notice to End Tenancy for Cause. I find that the monetary claim in this Application for Dispute Resolution is not sufficiently related to be determined during these proceeding. I will, therefore, only consider the tenant’s request to set aside the 1 Month Notice to End Tenancy for Cause and the tenant’s application to recover the filing fee at this proceeding. Therefore, I dismiss the monetary claim portion of the tenant’s application and grant the tenant leave to re-apply for the monetary claim.

Settlement Agreement

Section 63 of the *Act*, states:

Opportunity to settle dispute

- 63** (1) The director may assist the parties, or offer the parties an opportunity, to settle their dispute.
- (2) If the parties settle their dispute during dispute resolution proceedings, the director may record the settlement in the form of a decision or an order.

During the hearing, the parties agreed to settle the matter related to the 1 Month Notice to End Tenancy for Cause, on the following conditions:

1. The tenancy will end on **May 31, 2013 at 1:00 p.m.**
2. The landlord is granted an order of possession effective May 31, 2013 at 1:00 p.m. which must be served on the tenant.
3. The parties agree to not interfere with the other party and to have limited contact with each other until the end of the tenancy.
4. The tenant withdraws her request for recovery of the filing fee as part of this settlement agreement.
5. The landlord cancels the upcoming hearing (file number 803173) set for January 30, 2013 at 10:30 a.m. as part of this settlement agreement.

Conclusion

I grant the landlord an order of possession effective **May 31, 2013 at 1:00 p.m.** The tenant must be served with the order of possession. Should the tenant fail 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.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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 08, 2013.