



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC, MNDC, OPL, RR, OPC

### Introduction

This hearing was convened in response to applications by the landlords and the tenant.

The landlords' application is seeking orders as follows:

1. For an order of possession; and
2. To recover the cost of filing the application.

The tenant's application is seeking orders as follows:

1. To cancel an a one month notice to end tenancy;
2. For a monetary order for money owed or compensation for damage or loss under the Act;
3. To have the landlord comply with the Act;
4. Allow a tenant to reduce rent for repairs, services or facilities agreed upon, but not provided; and
5. To recover the cost of filing the application.

Both parties appeared, gave 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 at the hearing.

### Preliminary Issue

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 several matters of dispute on the Application for Dispute Resolution, the most urgent of which is the application to set aside the Notice to End Tenancy. I find that not all the claims on this Application for Dispute Resolution are sufficiently related to be determined during these proceedings. I will, therefore, only consider the tenant's request to set aside the Notice to End Tenancy and the tenant's application to recover the filing fee at these proceedings. The balance of the tenant's applications is dismissed, with leave to re-apply.

In a case where a tenant has applied to cancel a notice for cause Residential Tenancy Branch Rules of Procedure require the landlord to provide their evidence and submission first, as the landlord has the burden of proving cause sufficient to terminate the tenancy for the reasons given on the notice.

### Issues

Should the notice to end tenancy issued on December 7, 2012, be cancelled?  
Are the landlords entitled to an order of possession?

### Background and Evidence

## **SETTLEMENT AGREEMENT**

During the hearing the parties agreed to settle these matters, on the following conditions:

- 1) The tenants accepts the notice to end tenancy;
- 2) The tenants agreed that she will be moving from the rental unit on January 26, 2013, no later than 11:00 am;
- 3) The parties agreed the move-out inspection is scheduled to take place on January 26, 2013, at 11:00 am and either party may appoint an agent to participate in the required inspection.

This settlement agreement was reached in accordance with section 63 of the *Residential Tenancy Act*.

### Conclusion

As a result of the above settlement, the landlord is granted an order of possession effective January 26, 2013, at 11:00 am.

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 22, 2013

---

Residential Tenancy Branch

