



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, MNR, RP, ERP, LRE and FF

Introduction

This application was brought by the tenants seeking to have set aside a one-month Notice to End Tenancy for cause served on dated January 28, 2013. The tenants also sought a monetary award for the cost of emergency repairs, repairs to the rental unit, an order restricting the landlord's right to enter the rental unit and recovery of the filing fee for this proceeding.

Item 2.3 under the Rules of Procedure provides that if an arbitrator finds it appropriate to do so, the arbitrator may sever and dismiss unrelated disputes contained in a single application with or without leave to reapply. In the present matter, I found that the Notice to End Tenancy is the paramount matter in the tenants' application and that the remainder of the application should be dismissed with leave to reapply.

Issue(s) to be Decided

This application now requires a decision on whether the application should be upheld or set aside.

Background and Evidence

The tenancy in question began on April 15, 2012. Rent is \$1,200 per month and the landlord holds a security deposit of \$600 and a pet damage deposit of \$600 both paid at the beginning of the tenancy.

Settlement Agreement

During the hearing, the attending tenant advised that she and the other tenants would be leaving the rental unit at the end of March 2013.

The landlord concurred that, if the tenants were able to ensure that the tenancy would end on March 31, 2012, that would satisfy his wishes in issuing the Notice to End Tenancy.

Section 63 of the *Act* makes provision for parties to a dispute to settle the matter during the hearing, and for the arbitrator to record their settlement in a decision or order.

Accordingly, I find that the landlord is entitled to an Order of Possession to uphold the agreement made by the parties during the hearing.

Conclusion

The landlord's copy of this decision is accompanied by an Order of Possession, enforceable through the Supreme Court of British Columbia to take effect at 1 p.m. on March 31, 2013 for service on the tenants.

The remaining parts of the tenants' application, not rendered moot by the conclusion of the tenancy, are dismissed with leave to reapply.

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: February 28, 2013

Residential Tenancy Branch

