



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MT, DRI, CNR, MNR

Introduction

This was a cross-application hearing.

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has requested compensation for unpaid rent.

The tenant applied requesting more time to cancel a 10 Day Notice to End Tenancy for Unpaid Rent, to dispute an additional rent increase and to cancel a 10 Day Notice to End Tenancy for Unpaid Rent.

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants. The hearing process was explained, evidence was reviewed and the parties were provided with an opportunity to ask questions about the hearing process. They were provided with the opportunity to submit documentary evidence prior to this hearing, all of which has been reviewed, to present affirmed oral testimony and to make submissions during the hearing.

Preliminary Matters

The parties explained that the landlord is the tenant's mother.

The tenancy under dispute commenced on January 1, 2011. The time limitation in relation to the previous tenancy between the parties has now passed.

On February 19, 2013 the tenant applied requesting more time to cancel a 10 Day Notice to End Tenancy for Unpaid Rent that was issued and given to the tenant on February 4, 2013.

On February 26, 2013, the landlord received an Order of possession and monetary Order via the Direct Request Proceeding process. The tenant explained that she has applied for review consideration of the decision issued on February 26, 2013; the outcome of that decision was unknown at the time of this hearing.

An attempt was made to settle the matters. The parties tentatively agreed that:

- rent would be \$500.00 per month;
- plus the equivalent of \$275.00 of repairs to the rental unit each month by the tenant;
- That the rent could be due on the 15th of each month;
- That the tenant would immediately pay \$250.00 and another \$500.00 on March 20, 2013 which would pay rent to April 14, 2013; and
- That the tenant would vacate the unit no later than July 31 2013.

The tenant was reluctant to come to a final mutually settled agreement as she was awaiting the outcome of her application for review consideration. It was proposed that if a review hearing is ordered as a result of the tenant's review application that the parties could again attempt to reach a settled agreement.

The landlord withdrew her application.

The tenant's application in relation to the amount of rent owed was premature, given her application for review consideration and the need to respond to the outcome of that decision. If a review hearing is ordered the matter of rent owed will be determined at that time.

The tenant applied to cancel the 10 Day Notice outside of the allowable time frame and beyond the effective date of that Notice, February 14, 2013. Therefore, the tenant will need to rely upon her request for review consideration as an extension of time to dispute a Notice may not be given beyond the effective date of a Notice.

Both parties have leave to reapply on all other matters, within the time frames set out on the Act.

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: March 19, 2013

Residential Tenancy Branch