



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding HELPING SPIRIT LODGE SOCIETY  
and [tenant name suppressed to protect privacy]

## **DECISION**

**Dispute Codes:** OPC, CNC, MNSC, OLC, FF

### **Introduction**

This hearing dealt with applications by the landlord and the tenant, pursuant to the *Residential Tenancy Act*. The landlord applied for an order of possession pursuant to Section 55. The tenant applied to cancel the notice to end tenancy, pursuant to Section 49 and for a monetary order for the return of a deposit. The tenant also applied for an order directing the landlord to comply with the *Act* and to permit her to park in the parkade. Both parties applied for the recovery of the filing fee. Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

Residential Tenancy Branch Rules of Procedure 2.3 states that if in the course of a dispute resolution proceeding, the Arbitrator determines that it is appropriate to do so, the Arbitrator may dismiss unrelated disputes contained in a single application with or without leave to reapply. In this regard I find the tenant has applied for an order for the landlord to comply with the *Act* and for an order for the landlord to allow parking in the parkade and to return a deposit. As these sections of the tenant's application are unrelated to the main section which is to cancel the one month notice for cause, I dismiss these sections with leave to reapply.

Accordingly this hearing only dealt with the tenant's application to set aside the notice to end tenancy and the landlord's application for an order of possession. The parties acknowledged receipt of evidence submitted by the other and gave affirmed testimony.

### **Issues to be decided**

Does the landlord have cause to end the tenancy?

### **Background and Evidence**

The tenancy started in August 2009. The accommodation is subsidised housing and is allotted and rented based on a tenant's income and family size. The tenant's portion of the rent is \$228.00.

On May 24, 2013, the landlord served the tenant with a notice to end tenancy for cause. The reason for the notice is that the tenant has allegedly allowed an unreasonable number of occupants inside the rental unit.

During the hearing the parties engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

### **Analysis**

Pursuant to Section 63 of the *Residential Tenancy Act*, the Arbitrator may assist the parties settle their dispute and if the parties settle their dispute during the dispute resolution proceedings, the settlement may be recorded in the form of a decision or an order.

During this hearing, the parties reached an agreement to settle their dispute. Both parties agreed to the following terms:

1. The tenant agreed to move out on or before 1 p.m. on October 31, 2013.
2. The landlord agreed to allow the tenancy to continue up to October 31, 2013. An order of possession will be granted to the landlord effective this date.
3. The landlord agreed to waive the 30 day notice requirement in the event that the tenant wanted to move out prior to October 31, 2013.

### **Conclusion**

I grant the landlord an order of possession effective on or before **1:00 p. m. on October 31, 2013**. Both parties must bear the cost of filing their own applications.

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: July 10, 2013

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Residential Tenancy Branch

