



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPC, OPB, MNR, CNC, MNDC, ERP, RP, PSF, RR, 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. Both parties applied for monetary orders and 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 make repairs and reduce rent. The landlord has applied for rent owed. As these sections of the applications of both parties 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.

Issues to be decided

Does the landlord have cause to end the tenancy?

Background and Evidence

The tenancy started in September 2010. The monthly rent is \$900.00 due in advance on the first day of the month. On June 18, 2013, the landlord served the tenant with a one month notice to end tenancy for cause. Neither party filed a copy of the notice.

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 landlord agreed to allow the tenancy to continue up to August 31, 2013. An order of possession will be granted to the landlord effective this date.
2. The tenant agreed to move out on or before 1 p.m. on August 31, 2013.

Conclusion

I grant the landlord an order of possession effective on or before **1:00 p. m. on August 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 03, 2013

Residential Tenancy Branch

