



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding NPR LTD PARTNERSHIP
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes

OPC OPB
MT CNR MNDC RR

Preliminary Issues

Residential Tenancy Rules of Procedure, Rule 2.3 states that, in the course of the dispute resolution proceeding, if the arbitrator determines that it is appropriate to do so, he or she may dismiss the unrelated disputes contained in a single application with or without leave to reapply.

Upon review of the Tenant's application I have determined that I will not deal with all the dispute issues the Tenant has placed on their application. For disputes to be combined on an application they must be related. Not all the claims on this application are sufficiently related to the main issue relating to the Notice to end tenancy. Therefore, I will deal with the Tenant's request for more time to make her application and to set aside, or cancel the Landlord's Notice to End Tenancy issued for unpaid rent; and I dismiss the balance of the Tenant's claim for a monetary order and reduced rent with leave to re-apply.

Introduction

This hearing dealt with cross Applications for Dispute Resolution filed by both the Landlord and the Tenant.

The Landlord filed on January 22, 2014, seeking an Order of Possession for cause and an Order of Possession for breach of an agreement.

The Tenant filed on January 20, 2014, seeking more time to make her application and an Order to set aside or cancel a Notice to end tenancy issued for unpaid rent.

The parties appeared at the teleconference hearing and gave affirmed testimony. At the outset of the hearing I explained how the hearing would proceed and the expectations for conduct during the hearing, in accordance with the Rules of Procedure. Each party was provided an opportunity to ask questions about the process however, each declined and acknowledged that they understood how the conference would proceed.

During the hearing each party was given the opportunity to provide their evidence orally, respond to each other's testimony, and to provide closing remarks. A summary of the testimony is provided below and includes only that which is relevant to the matters before me.

Issue(s) to be Decided

Have the parties agreed to settle these matters?

Background and Evidence

The documentary evidence included a copy of the tenancy agreement which indicates the Tenant entered into a fixed term tenancy that began on September 1, 2013; however, the Tenant was allowed to occupy the rental unit as of August 15, 2013. Rent is payable on the first of each month in the amount of \$610.00 and on August 13, 2013 the Tenant paid \$305.00 as the security deposit. The parties signed the move in condition inspection report form on August 14, 2013.

During the course of this proceeding the parties agreed to settle these matters.

Analysis

Pursuant to section 63 of the *Act*, the Arbitrator may assist the parties to 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 the hearing, the parties achieved a resolution of their dispute on the following terms:

1. The Tenant withdraws her application to cancel the 10 Day Notice;
2. The Landlord withdraws their application for orders of possession; and
3. The parties mutually agree to end the tenancy effective February 28, 2014.

In support of this settlement agreement the Landlord will be issued an Order of Possession.

Conclusion

I HEREBY DISMISS the Tenant's claim for a monetary order and reduced rent with leave to re-apply.

The Landlord has been issued an Order of Possession effective **February 28, 2014, at 1:00 p.m. after service on the Tenant.** This Order is legally binding and must be served upon the Respondent Tenant.

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 04, 2014

Residential Tenancy Branch

