



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, ERP, RP, OPT, LAT

Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution made by the tenant to cancel a notice to end tenancy for cause. The tenant also applied for the landlords to: make emergency repairs for health and safety reasons; make repairs to the unit, site or property. The tenant also sought an Order of Possession for the rental unit and to allow the tenant to change the locks.

The tenant appeared for the hearing with an advocate and an agent appeared for the landlord. No issues in relation to the service of documents under the *Residential Tenancy Act* (referred to as the 'Act') were raised by either party.

At the start of the hearing the tenant withdrew her application requesting an Order of Possession as she was still residing in the rental unit.

Analysis & Conclusion

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 discussed the issues between them, engaged in a conversation, turned their minds to compromise and achieved a resolution of the dispute.

Both parties agreed to settle the tenant's application in full under the following terms:

1. The landlord agreed that the tenancy will continue provided the tenant agrees to keep the unit in a reasonably clean state in accordance with the requirements set out in the Act. This includes removing all the cardboard boxes inside the rental suite that enables the landlord to fully perform pest treatments of bed bugs and cockroaches.
2. The tenant agreed to perform the above condition regarding the removal of the cardboard boxes by the January 31, 2014

If the landlord is not satisfied that the above agreed terms and conditions have not been met, namely the pest treatment cannot be performed because the tenant has failed to remove the cardboard, the landlord is at liberty to make an application for dispute resolution and present evidence to the Residential Tenancy Branch for consideration for an Order of Possession in this regard.

This agreement does not change the rights and obligations that both parties have under the Act.

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: December 30, 2013

Residential Tenancy Branch