



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes Landlord: OPR, MNR, ET, FF
Tenants: CNR, MNDC, RP, RR

Introduction

This hearing dealt with cross Applications for Dispute Resolution. The landlord sought an order of possession and a monetary order. The tenants sought to cancel a notice to end tenancy; a monetary order; rent reduction; and repairs.

The hearing was conducted via teleconference and was attended by the landlord; both tenants and their advocate.

Residential Tenancy Branch Rule of Procedure 2.3 states that an Arbitrator may dismiss unrelated disputes that are contained in a single application. As the tenant has applied to cancel a notice to end tenancy and a monetary order for compensation; a number of the orders sought would only be required if the tenancy continued, I find that the additional orders sought by the tenant are unrelated to the issue of the notice to end tenancy.

As such, I dismiss the portion of the tenant's Application seeking a monetary order for compensation for damage or loss; orders for repairs and for a rent reduction, with leave to reapply at a future date.

In addition, the tenants submitted to the Residential Tenancy Branch a written statement on March 6, 2014 seeking to amend his Application for Dispute Resolution to include two additional notices to end tenancy issued by the landlord on March 3, 2014. I noted to the parties at the start of the hearing that I would include all three 10 Day Notices to End Tenancy in this decision.

Finally, the landlord had, in addition to the order of possession for unpaid rent, applied for an early end to the tenancy without Notice under Section 56 of the *Residential Tenancy Act (Act)*. However, as the landlord had issued notices to end tenancy for

unpaid rent and therefore Section 56 would not apply. As such, I amend the landlord's Application for Dispute Resolution to exclude this matter.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession for unpaid rent; to a monetary order for unpaid rent; and to recover the filing fee from the tenants for the cost of the Application for Dispute Resolution, pursuant to Sections 46, 55, 67, and 72 of the *Act*.

The issues to be decided are whether the tenants are entitled to cancel 3 – 10 Day Notices to End Tenancy for Unpaid Rent, pursuant to Section 46 of the *Act*.

Background and Evidence

During the hearing the parties reached the following settlement:

1. Both parties withdraw their respective Applications for Dispute Resolution;
2. The tenants agree to make the following payments to the landlord:
 - a. April 1, 2014 - \$1,150.00 representing \$850.00 April 2014 rent less \$100.00 credit for utilities plus \$400.00 for arrears;
 - b. April 15, 2014 - \$400.00 representing arrears;
 - c. May 1, 2014 - \$1,150.00 representing \$850.00 May 2014 rent less \$100.00 credit for utilities plus \$400.00 for arrears;
 - d. May 15, 2014 - \$180.00 representing the final payment of arrears.
3. The parties agree that should the tenants fail to make any one of these payments in accordance with this payment schedule the tenants will vacate the rental unit; and
4. If either party wants to end the tenancy they must provide sufficient written notice to do so that is in accordance with the *Act*.

Conclusion

In support of this settlement and with agreement of both parties I grant the landlord an order of possession effective **two days after service on the tenants** only if the tenants fail to comply with the above agreement. This order must be served on the tenants. If the tenants fail to comply with this order the landlord may file the order with the Supreme Court of British Columbia and be enforced as an order of that Court.

Also in support of this agreement and with agreement of both parties I grant the landlord a monetary order in the amount of **\$2,880.00** comprised of the amounts noted in the settlement above.

This order must be served on the tenants. If the tenants fail to comply with this order the landlord may file the order in the Provincial Court (Small Claims) and be enforced as an order of that Court.

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: March 26, 2014

Residential Tenancy Branch

