



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR, RR, OPR

### Introduction

This hearing dealt with an application by the tenant to cancel a notice to end tenancy and to allow the tenant to reduce rent for repairs, services, or facilities agreed upon but not provided.

Both the landlord and the tenant participated in the teleconference hearing and each gave affirmed evidence.

### Issue(s) to be Decided

Should the notice to end tenancy be cancelled?

If so, should the tenant be allowed to reduce rent for repairs, services or facilities not provided?

### Background and Evidence

The parties agree they entered into an unwritten tenancy agreement in approximately March 2013. They agree that at the relevant time the tenant was obligated to pay rent of \$550.00 monthly in advance on the first day of the month. The tenant also paid a security deposit of \$282.50.

The parties agree that the tenant did not pay \$550.00 in rent for the month of May 2013 and the tenant has only paid \$375.00 in rent for each of the months of June, July, August, September, October, November, and December 2013 and January and February 2014.

### Analysis

Section 63 of the Act provides that the parties may settle their dispute in the hearing, and the director may record the settlement in the form of a decision or an order. Pursuant to this provision, discussion led to a resolution and it was specifically agreed as follows:

#### RECORD OF SETTLEMENT

1. That the tenant will pay the landlord \$550.00 rent for the month of March 2014 by the end of the day on March 1, 2014;
2. That the tenant will pay the landlord \$1,575.00 by March 31, 2014 and this sum will satisfy any claim by the landlord for unpaid rent that was due prior to March 1, 2014;
3. That I will provide the landlord with a monetary order for \$1,575.00 however the landlord will not take steps to enforce the monetary order unless any portion of this sum remains unpaid after March 31, 2014;
4. That the tenant will vacate the rental unit by 1 p.m. on March 31, 2014.

Since the parties have agreed the tenancy will come to an end, it is not necessary that I deal with the tenant's application for a reduction in rent.

### Conclusion

Pursuant to the agreement between the parties set out above, I grant the landlord an order of possession effective at 1 p.m. on March 31, 2014 and a monetary order for \$1,575.00.

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 11, 2014

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Residential Tenancy Branch

