



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

Landlord: OPR, OPB, MND, MNR, MNDC, FF
Tenants: CNR, ERP, RP, LRE

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; an order to make repairs and emergency repairs and to restrict the landlord's access to the rental unit

The hearing was conducted via teleconference and was attended by the landlord and her agent; and 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 tenants have applied to cancel a notice to end tenancy and 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 tenants' Application seeking orders for repairs; emergency repairs; and to suspend or set conditions on the landlord's right to enter the rental unit, with leave to reapply at a future date.

Likewise the landlord has applied for an order of possession based on unpaid rent and a monetary order for that unpaid rent as well as compensation for damage to the rental unit, I find that the compensation sought by the landlord for damage to the rental unit is unrelated to the issue of the notice to end tenancy.

As such, I dismiss the portion of the landlord's Application seeking compensation for repairs and damage, with leave to reapply at a future date.

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 *Residential Tenancy Act (Act)*.

It must also be decided if the tenants are entitled to cancel a 10 Day Notice to End Tenancy for Unpaid Rent, pursuant to Sections 46 of the *Act*.

Background and Evidence

During the hearing the parties reached the following settlement:

1. The landlords agree to not pursue any unpaid rent claims; and
2. The tenants agree to vacate the rental unit on or before November 15, 2014.

Conclusion

Based on the above settlement and with agreement of both parties I grant the landlord an order of possession effective **November 15, 2014 after service on the tenants**. 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.

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: November 06, 2014

Residential Tenancy Branch

