



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BC HOUSNG MGMT COMMISSION
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR, DRI

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46; and
- an order regarding a disputed additional rent increase pursuant to section 43.

Both parties attended the hearing by conference call and gave affirmed testimony. The landlord confirmed receipt of the tenant's notice of hearing package. The tenant confirmed receipt of the landlord's documentary evidence package.

At the outset the tenant stated that he is withdrawing a portion of his application to dispute an additional rent increase. The tenant stated that this was selected in error on the application. As such no further action is required for this portion of the application.

Issue(s) to be Decided

Is the tenant entitled to an order cancelling the 10 Day Notice?

Background and Evidence

The tenant seeks an order cancelling the 10 Day Notice dated October 7, 2015 as he states that rent of \$348.00 for October 2015 was paid for directly by the ministry.

The landlord clarified that the 10 Day Notice dated October 7, 2015 was given regarding an unpaid rent portion of \$180.00 that was not paid for in August of 2015 due to a re-calculation of the tenant's rent contributions. The tenant stated that he was not aware of this previously.

Analysis

Section 63 of the *Residential Tenancy Act* provides that the parties may attempt to settle their dispute during a hearing. Pursuant to this provision, discussion between the parties during the hearing led to a resolution. Specifically, it was agreed as follows;

1. The landlord agrees to cancel the 10 Day Notice dated October 7, 2015.
2. The tenant agrees to withdraw the application for dispute resolution to cancel the 10 Day Notice dated October 7, 2015.
3. Both parties agree that the tenant will pay to the landlord a total of \$180.00 in rent arrears to be paid out in 5 equal monthly payments of \$36.00.

Pursuant to this agreement the landlord will be given a monetary order to reflect condition #3 of this agreement. Should it be necessary, this order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

The above particulars comprise full and final settlement of all aspects of the dispute arising from these applications for both parties.

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 09, 2015

Residential Tenancy Branch

