



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNL MNDC RP FF

### Introduction

This hearing was convened as a result of the tenant's application for dispute resolution under the *Residential Tenancy Act* (the "Act"). The tenant applied to cancel a 2 Month Notice to End the Tenancy for Landlord's Use of Property (the "2 Month Notice") dated January 12, 2016, for a monetary order for money owed or compensation under the Act, regulation or tenancy agreement in the amount of \$1,691.56, for an order directing the landlord to make repairs to the unit, site or property, and to recover the cost of the filing fee.

The tenant, and tenant advocate, the landlords and an agent for the landlords attended the teleconference hearing. The parties gave affirmed testimony, were provided the opportunity to present their evidence orally and in documentary form prior to the hearing, and make submissions to me.

Neither party raised any concerns regarding the service of documentary evidence.

### Preliminary and Procedural Matters

Rule 2.3 of the Residential Tenancy Branch Rules of Procedure authorizes me to dismiss unrelated disputes contained in a single application. In these circumstances the tenant indicated several matters of dispute on the Application for Dispute Resolution, the most urgent of which was the tenant's application to set aside the 2 Month Notice. I find that not all the claims in the tenant's Application for Dispute Resolution are sufficiently related to be determined during this proceeding. As the tenant received an expedited hearing due to her Application to cancel a 2 Month Notice, I will consider the tenant's Application to cancel the 2 Month Notice and dismiss the tenant's Application for monetary compensation in the amount of \$1,691.56 **with leave to reapply**.

During the hearing, the tenant testified that she has decided to withdraw her application to cancel the 2 Month Notice and has decided instead to accept the landlords' 2 Month Notice dated January 12, 2016 and to vacate the rental unit on March 31, 2016, which is the effective vacancy date listed on the 2 Month Notice. As a result, I dismiss the tenant's application for an order directing the landlord to repair the unit, site or property as the tenancy ends on March 31, 2016.

### Settlement Agreement

During the hearing the parties agreed to settle the matter that proceeded at this hearing on the following conditions:

1. The parties agree that the tenancy will end on **March 31, 2016 at 1:00 p.m.**
2. The landlords are granted an order of possession effective **March 31, 2016 at 1:00 p.m.** The landlords must serve the tenant with the order of possession.
3. The parties agree that the tenant is not required to pay March 2016 rent as full compensation of the landlords' compensation to the tenant for the equivalent of one month's rent for having issued a 2 Month Notice dated January 12, 2016.
4. The parties agree that if the tenant has any concerns regarding noise between March 8, 2016 and March 31, 2016 she will communicate directly with the landlord agent, N.W., and provide a recording of any sustained noise.

This settlement agreement was reached in accordance with section 63 of the *Act*.

### Conclusion

I order the parties to comply with the terms of their mutually settled agreement described above.

The landlord has been granted an order of possession effective March 31, 2016 at 1:00 p.m. This order must be served on the tenant and may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

The tenant has leave to reapply for their monetary claim as described above.

The filing fee for this application is not granted to the tenant as the tenant decided to withdraw her application to cancel the 2 Month Notice.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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 8, 2016

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Residential Tenancy Branch

