



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

CNC, MNDC, RP, OLC, FF

Introduction

On February 22, 2016 the tenant applied to cancel a one month Notice to end tenancy for cause that was issued on February 8, 2016; an order the landlord comply with the Act, that the landlord make repairs and to recover the filing fee cost from the landlord.

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants. They were provided with the opportunity to submit documentary evidence prior to this hearing, all of which has been reviewed, to present affirmed oral testimony and to make submissions during the hearing. The hearing process was explained and the parties were given the opportunity to ask questions about the process.

Preliminary Matters

The parties confirmed receipt of the evidence submitted by each.

The landlord confirmed receipt of the tenants' amended application on March 29, 2016. The tenant amended the application to include a monetary claim for aggravated damages in the sum of \$2,480.00, to remove the request for repairs and to add a request that the tenancy end no later than April 30, 2016.

Section 2.3 of the Residential Tenancy Branch Rules of procedure provides:

2.3 Related issues

Claims made in the application must be related to each other. Arbitrators may use their discretion to dismiss unrelated claims with or without leave to reapply.

Therefore, as the tenant has included matters in the application that are not sufficiently related I find that the monetary portion of the application is dismissed with leave to reapply within the legislated time limit. I explained that the monetary claim was not sufficiently related to the issue of cause to end the tenancy.

Mutually Settled Agreement - End of Tenancy

The parties agreed that the tenancy will end effective 1:00 p.m. on April 30, 2016.

The tenant acknowledged that in support of the mutual agreement the landlord would be issued an order of possession.

Section 63 of the Act provides:

Opportunity to settle dispute

63 (1) *The director may assist the parties, or offer the parties an opportunity, to settle their dispute.*

(2) *If the parties settle their dispute during dispute resolution proceedings, the director may record the settlement in the form of a decision or an order.*

Therefore, pursuant to section 63 and 55 of the Act, in support of the mutual agreement of the parties, I find and order that the tenancy will end effective April 30, 2016 at 1:00 p.m.

The landlord has been granted an Order of possession that is effective **at 1:00 p.m. on April 30, 2016**. This Order may be served on the tenant, filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

Conclusion

The tenancy will end by mutual agreement and order effective April 30, 2016 at 1:00 p.m.

The tenant withdrew the request for repairs.

The monetary claim is dismissed with leave to reapply within the legislated time limit.

This decision and mutually settled agreement is final and binding 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: April 11, 2016

Residential Tenancy Branch