



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FF, LRE, MNDC OLC, PSF, RP, RR

Introduction

The Application for Dispute Resolution filed by the Tenant seeks the following:

- a. An order for emergency repairs
- b. An order that the landlord make repairs.
- c. An order for a monetary order in the sum of \$15,381
- d. An order that the landlord provide services or facilities required by the tenancy agreement or law.
- e. An order compensating the tenant for emergency repairs
- f. An order for the return of the security deposit.
- g. An order for the reduction of rent for repairs, services, or facilities agreed upon but not provided
- h. An order to recover the cost of the filing fee?

The landlords have filed an Application that is set for hearing on May 3, 2016. The parties have asked that I bring this file forward so that it can be included with the application filed by the Tenant. The Application for Dispute Resolution filed by the landlord seeks an Order for Possession and to recover the cost of the filing fee.

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, the parties have reached a settlement and they have asked that I record the settlement.

I find that the Application for Dispute Resolution/Notice of Hearing filed by each party was sufficiently served on the other party. With respect to each of the applicant's claims I find as follows:

Background and Evidence

The parties entered into a one year fixed term written tenancy agreement that provided that the tenancy would begin on February 1, 2016. The tenancy agreement provided that the tenant(s) would pay rent of \$1500 per month payable in advance on the first

day of each month. The tenant(s) paid a security deposit of \$750 at the start of the tenancy.

The tenant experienced significant problems with the rental unit. The landlord has not cashed the tenant's rent cheques for February, March and April. The landlord testified they have received an order from Municipality of Delta that the rental unit must be vacated.

Settlement:

The parties reached a settlement at the hearing and they asked that I record the settlement pursuant to section 63(2) of the Residential Tenancy Act as follows:

- a. The parties mutually agree to end the tenancy on April 8, 2016.
- b. The parties request that the arbitrator grant an Order for Possession for 5:00 p.m. on April 8, 2016.
- c. The landlords shall pay to the Tenant the sum of \$2500 in satisfaction of all claims made by the tenant to be paid upon the Tenant vacating the rental unit and removing all of his belongings.
- d. The parties request the arbitrator to issue a monetary order in the sum of \$2500 ordering the Landlords to pay this sum to the Tenant.
- e. The payment of the sum of \$2500 to the tenant is in satisfaction of all claims made by the Tenant against the landlord including the claim for the security deposit.
- f. The landlords shall return to the Tenant all cheques they have in their possession and the tenant is released and discharged from his obligation to pay the rent for February, March and April 2016.
- g. The tenant shall remove all of his garbage but not the garbage of previous tenants.
- h. The landlord's application in a file set for May 3, 2016 shall be brought forward and is included as part of this settlement.
- i. This is a full and final settlement and each party releases and discharges the other from all further claims with regard to this tenancy.

As a result of the settlement I granted an Order for Possession effective 5:00 p.m. on April 8, 2016.

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

I ordered that the Landlords pay to the Tenant the sum of \$2500.

It is further Ordered that this sum be paid forthwith. The Tenant is given a formal Order in the above terms and the Landlord must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial Court and 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: April 07, 2016

Residential Tenancy Branch

