



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, RR, FF

Introduction:

The tenant has applied for an Order to cancel a Notice to End the Tenancy for Cause dated February 25, 2016 as well as seeking a an Order to reduce the rent until repairs are made to the unit or because the unit was defective.

Preliminary Matters:

The tenant indicated several matters of dispute on her application and confirmed that the main issue to deal with during this proceeding is the Notice to End Tenancy. For disputes to be combined on an application they must be related. Not all the claims on this application are sufficiently related to the main issue to be dealt with together. Therefore, I only dealt with the tenant's request to set aside or cancel the Notice to End Tenancy for Cause and I dismissed the balance of the tenant's claims with liberty to re-apply.

Facts:

A hearing was conducted in the presence of both parties. A tenancy began on November 1, 2015 with rent in the amount of \$ 825.00 due in advance on the first day of each month. The tenant paid a security deposit amounting to \$ 400.00 on October 14, 2015.

Settlement:

The parties agreed that the tenancy shall end on May 31, 2016 and they have asked that I record the terms pursuant to section 63(2) as follows:

- a. The tenant will pay the landlord the outstanding rent for April amounting to \$ 425.00 by April 13, 2016 at 5:00 PM,
- b. The tenancy will end on May 31, 2016,
- c. The tenant will not pay any rent for May 2016 and
- d. If the tenant fails to complete the payments in paragraph a. in full and on time the landlord will execute an Order for Possession on April 14, 2016.

Conclusion:

As a result of the settlement I granted an Order for Possession effective April 14, 2016 which is not to be executed upon unless the tenant is in breach of paragraph a. herein. If the tenant completes the payment in paragraph a. herein the Order for Possession shall only be executed on May 31, 2016. There shall be no order with respect to reimbursement of the cost of the filing fee. The landlord must serve the tenant with this decision and Order. I have dismissed the balance of the tenant's claims with leave to reapply.

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 12, 2016

Residential Tenancy Branch

