



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

LANDLORD: OPR, MNR, MNSD, MNDC, FF
TENANT: CNR, DRI, FF, LRE, MNSD, OLC, PSF

Introduction

This hearing dealt with cross applications for Dispute Resolution filed by both the Landlord and the Tenant.

The Landlord filed seeking an Order of Possession, a monetary order for unpaid rent, to retain the Tenant's security deposit, compensation for loss or damage under the Act, regulations or tenancy agreement and to recover the filing fee for this proceeding.

The Tenant filed to obtain an order to cancel the Notices to End Tenancy, to dispute a rent increase, for compensation for loss or damage under the Act, regulations or tenancy agreement, to set conditions on the Landlord's right of entry, for the Landlord to comply with the Act, regulations or tenancy agreement, to provide services and facilities agreed and to recover the filing fee for this proceeding.

Service of the hearing documents by the Landlord to the Tenant were done by personal delivery to an adult living in the rental unit on May 19, 2016 in accordance with section 89 of the Act.

Service of the hearing documents by the Tenant to the Landlord was done by personal delivery to an adult living in the Landlord's residents on May 11, 2016 in accordance with section 89 of the Act.

Both parties confirmed the receipt of the other parties' hearing package.

At the start of the Hearing the Arbitrator informed the Parties that the hearing will deal with the Landlord's application to end the tenancy, the Landlord's monetary claim for unpaid rent and the Tenant's application to contest the Notice to End Tenancy and to dispute a rent increase. The Tenants applications for compensation for damage or loss under the Act, regulations or tenancy agreement, to set conditions of the Landlords right of entry, to provide services and facilities agreed to but not given, and for the Landlord to comply with the Act, regulations and tenancy agreement are separate and unrelated dispute to this application. Further the Landlord's applications to retain the Tenant's security deposit and to have compensation for loss or damage under the Act,

regulations or tenancy agreement are also separate and unrelated disputes to this application.

Section 2.3 of the Residential Tenancy Branch Rules of Procedure (Dismissing unrelated disputes in a single application) an Arbitrator may dismiss unrelated disputes within an application. The Tenant's applications for compensation for damage or loss under the Act, regulations or tenancy agreement, to set conditions of the Landlords right of entry, for the Landlord to comply with the Act, regulations or tenancy agreement and for services and facilities not provided are dismissed with leave to reapply. As well the Landlord's applications to retain the security deposit and for compensation for loss or damage under the Act, regulations or tenancy agreement are also dismissed with leave to reapply.

Issue(s) to be Decided

Landlord:

1. Is the Landlord entitled to an Order of Possession?
2. Is there unpaid rent and if so how much?
3. Is the Landlord entitled to compensation for unpaid rent and if so how much?

Tenant:

1. Is the Tenant entitled to an order to cancel the Notice to End Tenancy?
2. Is the rent increase valid?

During the course of the hearing, the parties reached an agreement to settle these matters, on the following conditions:

1. the Landlord and Tenant agreed to end the tenancy on July 31, 2016 at 1:00 p.m.
2. the Tenant agreed to pay the Landlord \$150.00 which represents the rent arrears from May and June , 2016
3. the Tenant and Landlord agreed the rent amount for July, 2016 will be \$700.00.
4. the Landlord will receive a monetary Order for \$150.00
5. the Landlord will receive an Order of Possession with and effective vacancy date of July 31, 2016.

Under section 63 (1) the director can assist parties or offer parties an opportunity to settle their dispute. Pursuant to section 63 of the Act the Landlord and the Tenant agreed to the above arrangement.

As no further action is required on this file, the file is closed.

Conclusion

The Parties agreed to end the tenancy on July 31, 2016 as per the above arrangement.

The Landlord has received an Order of Possession with an effective vacancy date of July 31, 2016 and a monetary order for \$150.00.

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: June 08, 2016

Residential Tenancy Branch