



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

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

Introduction

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

- a. An order to cancel a 2 month Notice to End Tenancy dated June 1, 2016.
- b. An order that the landlord make emergency repairs for health and safety reasons.
- c. An order for a monetary order in the sum of \$5492
- d. An order for the return of the tenant's security deposit.
- e. An order that the landlord comply with the Act, regulation and/or the tenancy agreement.
- f. An order that the landlord provide services or facilities required by the tenancy agreement or law.
- g. A repair order
- h. An order 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, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the two month Notice to End Tenancy was served on the Tenant by posting on June 15, 2016. Further I find that the Application for Dispute Resolution/Notice of Hearing filed by the Tenant was personally served on the landlord on or about June 27, 2016. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the Tenant is entitled to an order to cancel a 2 month Notice to End Tenancy dated June 1, 2016.
- b. Whether the Tenant is entitled to an order that the landlord make emergency repairs for health and safety reasons.
- c. Whether the Tenant is entitled to a monetary order in the sum of \$5492
- d. Whether the Tenant is entitled to an order for the return of the tenant's security deposit.
- e. Whether the Tenant is entitled to an order that the landlord comply with the Act, regulation and/or the tenancy agreement.
- f. Whether the Tenant is entitled to an order that the landlord provide services or facilities required by the tenancy agreement or law.
- g. Whether the Tenant is entitled to a repair order
- h. Whether the Tenant is entitled to an order to recover the cost of the filing fee?

Background and Evidence

The tenancy began on July 1, 2013. The present rent is \$1223 per month payable in advance on the first day of each month. The tenant paid a security deposit of \$600 at the start of the tenancy.

On June 15, 2016 the landlord served a 2 month Notice to End Tenancy on the Tenant. The tenant filed an Application for Dispute Resolution for an order to cancel the Notice and other relief including a monetary order of \$5492 caused by the reduced value of the tenancy due to excessive mould.

Settlement:

At the end of the tenancy the parties reached a settlement 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 September 1, 2016.
- b. The parties request that the arbitrator issue an Order for Possession for September 1, 2016.
- c. The landlord waives her claim for non-payment of rent for July 2016.
- d. The parties agree the tenant is entitled to free rent for August 2016 as a result of her right to the equivalent of one month rent under section 51 of the Act.
- e. The Landlord shall pay to the Tenant the sum of \$1500.
- f. The Tenant releases and discharges the landlord from all claims she may have relating to the condition of the rental unit.
- g. The landlord releases and discharges the Tenant from all claims the Landlord may have against the tenant for non-payment of rent until September 1, 2016.

- h. The security deposit will be dealt with in accordance to the provisions of the Residential Tenancy Act.

As a result of the settlement I granted an Order for Possession effective September 1, 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 Landlord pay to the Tenant the sum of \$1500.

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent 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: August 09, 2016

Residential Tenancy Branch

