



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes DRI, MNDC, MNSD, OLC, ERP, RP, LRE, RR, O, FF

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* ("Act") for:

- an order regarding a disputed additional rent increase, pursuant to section 43;
- a monetary order for money owed or compensation for damage or loss under the *Act, Residential Tenancy Regulation (Regulation)* or tenancy agreement, pursuant to section 67;
- authorization to obtain a return of the security deposit, pursuant to section 38;
- an order requiring the landlord to comply with the *Act, Regulation* or tenancy agreement, pursuant to section 62;
- an order requiring to the landlord to make emergency and regular repairs to the rental unit, pursuant to section 33;
- an order to suspend or set conditions on the landlord's right to enter the rental unit, pursuant to section 70;
- an order to allow the tenant to reduce rent for repairs, services or facilities agreed upon but not provided, pursuant to section 65;
- other unspecified remedies; and
- authorization to recover the filing fee for this application, pursuant to section 72.

The landlord and her agent, CA (collectively "landlord") and the tenant attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses. The landlord confirmed that her agent had authority to speak on her behalf at this hearing. This hearing lasted approximately 54 minutes in order to allow both parties to negotiate a settlement of a portion of the application.

The landlord confirmed receipt of the tenant's application for dispute resolution hearing package and the tenant confirmed receipt of the landlord's written evidence package. In accordance with sections 88, 89 and 90 of the *Act*, I find that the landlord was duly served with the tenant's application and the tenant was duly served with the landlord's written evidence package.

Preliminary Issue – Severing of a Portion of the Tenant's Application

Rule 2.3 of the RTB *Rules of Procedure* states that claims made in an Application must be related to each other and that an Arbitrator has discretion to dismiss unrelated claims with or without leave to reapply.

The tenant applied for ten different claims in her application. I advised both parties at the outset of the hearing that the central and most important issues for this hearing were whether emergency or regular repairs were required, whether the landlord's access to the rental unit should be restricted, and whether any other orders were required against the landlord. I advised both parties that if there was enough time to hear the tenant's remaining claims, I would hear them.

At the end of the hearing, I advised both parties that there was not enough time to hear the tenant's remaining claims. As notified to the parties during the hearing, the tenant's application for an order regarding a disputed additional rent increase, a monetary order for money owed or compensation for damage or loss under the *Act, Regulation* or tenancy agreement, a past rent reduction, and to obtain a return of the security deposit, is dismissed with leave to reapply.

Analysis

Settlement of a Portion of the Tenant's Application

Pursuant to section 63 of the *Act*, the Arbitrator may assist the parties to settle their dispute and if the parties settle their dispute during the dispute resolution proceedings, the settlement may be recorded in the form of a decision or an order. During the hearing, the parties discussed the issues between them, engaged in a conversation, turned their minds to compromise and achieved a resolution of a portion of their dispute.

Both parties agreed to the following final and binding settlement of a portion of the application:

1. Both parties agreed that this tenancy will end by 6:00 p.m. on August 27, 2016, by which time the tenant and any other occupants will have vacated the rental unit;
2. The landlord agreed to provide the tenant with at least 24 hours written notice before entering the rental unit;
3. The tenant agreed that she did not require any regular or emergency repairs to be performed or an order for the landlord to comply with the *Act, Regulation* or tenancy agreement, before vacating the rental unit; and

4. The tenant agreed that she did not require a future rent reduction as this tenancy is ending.

Conclusion

To give effect to the settlement reached between the parties and as advised to both parties during the hearing, I issue the attached Order of Possession to be used by the landlord **only** if the tenant and any other occupants fail to vacate the rental premises by 6:00 p.m. on August 27, 2016. The landlord is provided with this Order in the above terms and the tenant must be served with this Order in the event that the tenant and any other occupants fail to vacate the rental premises by 6:00 p.m. on August 27, 2016. Should the tenant fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

The tenant's application to recover the \$100.00 filing fee (the tenant did not pay it), for regular and emergency repairs, for a future rent reduction, for other unspecified remedies, for an order to suspend or set conditions on the landlord's right to enter the rental unit, and for an order for the landlord to comply with the *Act*, *Regulation* or tenancy agreement, is dismissed without leave to reapply.

The tenant's application for an order regarding a disputed additional rent increase, a monetary order for money owed or compensation for damage or loss under the *Act*, *Regulation* or tenancy agreement, a past rent reduction, and to obtain a return of the security deposit, is dismissed 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: August 25, 2016

Residential Tenancy Branch