



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FF, LRE, MNDC, OLC, MNSD, OPC

Introduction

This decision deals with two applications for dispute resolution, one brought by the tenant, and one brought by the landlord. Both files were heard together.

The landlord's application is a request for an Order of Possession, based on a Notice to End Tenancy that was given for cause, a request for a monetary order for \$400.00, and a request for recovery of the \$100.00 filing fee.

The tenant's application is a request to cancel a Notice to End Tenancy that was given for cause, a request for a monetary order for \$200.00, and a request for recovery of the \$100.00 filing fee.

A substantial amount of documentary evidence, photo evidence, and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all relevant submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

Both parties were affirmed.

Issue(s) to be Decided

First of all, I informed the parties that it is my decision that I will not deal with all the issues that the applicants have put on their applications.

Section 2.4 of the rules of procedure states:

Claims made in the application must be related to each other. Arbitrators may use their discretion to dismiss unrelated claims with or without leave to reapply.

In this case it is my finding that not all the claims on these applications are sufficiently related to the main issue to be dealt with together.

I therefore will deal with the requests to cancel or uphold the Notice to End Tenancy, and the request for recovery of the filing fees, and I dismiss the remaining claims with liberty to re-apply.

Mutual agreement

During the hearing the parties came to the following mutual agreement with regards to the end of tenancy and the filing fees.

Both the landlord and the tenant agree that the tenant will vacate the rental unit on December 1, 2016, and that an Order of Possession will be issued for that date.

The tenant agrees that he will pay the \$225.00 rent that is outstanding for October 2016 on this Friday, October 21, 2016, and he will pay the full November 2016 rent on November 1, 2016.

Both the landlord and the tenant also agree that they will each bear the cost of the filing fee they each paid for their own applications for dispute resolution.

Conclusion

In light of the above agreement I have issued an Order of Possession for 1:00 p.m. on December 1, 2016.

I further Order that each party must bear the \$100.00 cost of the filing fee they each paid for dispute resolution.

As stated previously all other claims on the applications are 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: October 20, 2016

Residential Tenancy Branch

