



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding SHERLOCK ENTERPRISES CO. LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNT CNC MNDC RP RR FF

Introduction

This hearing was convened to hear matters pertaining to an Application for Dispute Resolution filed by the Tenant on October 19, 2016. The hearing was conducted via teleconference and was attended by two agents for the corporate Landlord (the Landlords) the Tenant, and the Tenant's Agent / translator. Each person gave affirmed testimony. I explained how the hearing would proceed and the expectations for conduct during the hearing, in accordance with the Rules of Procedure. Each party was provided an opportunity to ask questions about the process however, each declined and acknowledged that they understood how the conference would proceed.

Upon review of the Tenant's application I have determined that I will not deal with all the dispute issues the Tenant has placed on their application. 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 relating to the Notice to end tenancy.

Residential Tenancy Rules of Procedure, Rule 2.3 states that, in the course of the dispute resolution proceeding, if the arbitrator determines that it is appropriate to do so, he or she may dismiss the unrelated disputes contained in a single application with or without leave to reapply.

As per the above, I advise the parties I would deal with the Tenant's request for more time to make this application to dispute a notice to end tenancy and their request to cancel the Landlord's 1 Month Notice to End Tenancy issued for cause. I dismiss the balance of the Tenant's application with leave to re-apply.

Both parties were provided with the opportunity to present relevant oral evidence, to ask relevant questions, and to make relevant submissions. Following is a summary of those submissions and includes only that which is relevant to the matters before me.

Issue(s) to be Decided

Have the Parties agreed to settle the matters relating to the 1 Month Notice issued September 29, 2016?

Background and Evidence

The parties entered into a fixed term tenancy agreement which began on September 1, 2015 and was set to end on February 1, 2016. Rent of \$875.00 was payable on the first of each month. On September 1, 2015 the Tenant paid \$437.50 as the security deposit.

During the course of this proceeding the parties agreed to settle these matters.

Analysis

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 and achieved a resolution of their dispute on the following terms:

- 1) The Tenant agreed to withdraw their application for Dispute Resolution;
- 2) The Landlord agreed to withdraw the 1 Month Notice issued September 29, 2016;
- 3) The parties mutually agreed to end this tenancy effective **December 31, 2016 at 1:00 p.m.**;
- 4) Each person acknowledged their understanding that this settled Decision resolves the matters contained in the Tenant's application relating to the 1 Month Notice and that no findings were made on the merits of the said application for dispute resolution; and
- 5) Each person agreed that the terms of this settlement agreement were reached by their own free will and without undue pressure or intimidation.

The parties agreed to settle these matters; therefore, I declined to award recovery of the filing fee.

In support of the settlement agreement the Landlord has been issued an Order of Possession effective December 31, 2016 after service upon the Tenant.

Conclusion

The parties agreed to settle the matters relating to the 1 Month Notice issued September 29, 2016, pursuant to section 63 of the Act. The remaining items listed on the Tenant's application were dismissed with leave to reapply.

This decision is final, legally binding, and 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: December 08, 2016

Residential Tenancy Branch