



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding SUTTON CENTRE REALTY
tenant name suppressed to protect privacy]

DECISION

Dispute Codes DRI, CNR, FF

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

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, dated October 19, 2016 (the "10 Day Notice"), pursuant to section 46;
- disputing an additional rent increase, pursuant to section 43; and
- authorization to recover the filing fee for this application pursuant to section 72.

Both parties attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

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, turned their minds to compromise and achieved a resolution of their dispute.

Both parties agreed to the following final and binding settlement of all issues currently under dispute at this time:

1. The monthly rent will be \$1,450.00 commencing on January 1, 2017;
2. The 10 Day Notice of October 19, 2016 is cancelled and of no force or effect; and
3. This settlement agreement constitutes a final and binding resolution of the tenants' application at this hearing.

Both parties testified at the hearing that they understood and agreed to the above terms, free of any duress or coercion. Both parties testified that they understood and agreed that the above terms are legal, final, binding and enforceable, which settle all aspects of this dispute.

Conclusion

The 10 Day Notice of October 19, 2016, as noted above, is cancelled and of no force or effect.

The tenant's application for dispute resolution is withdrawn.

To give effect to the parties' settlement agreement, the monthly rent as of January 1, 2017, is set at \$1,450.00. This monthly rent remains in force until such time as it is amended in accordance with the *Act*.

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: December 9, 2016

Residential Tenancy Branch