



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, MT, MNDC

Introduction

This hearing was convened by way of conference call in response to a Tenant's Application for Dispute Resolution (the "Application") made on January 19, 2017 to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the "10 Day Notice") dated January 13, 2017, and for a Monetary Order for compensation, damage, or loss under the *Residential Tenancy Act* (the "Act").

The Landlord, the Tenant, and the Tenant's daughter appeared for the hearing. The daughter stated that her mother was elderly and was unable to represent herself at this hearing. Therefore, I allowed the Tenant's daughter to provide testimony on behalf of the Tenant and give direct testimony for her own evidence. The Landlord also provided affirmed testimony.

The Landlord confirmed receipt of the Tenant's Application. The Tenant confirmed that she he had only provided the 10 Day Notice and a copy of a hotel bill into documentary evidence prior to this hearing. The Landlord had provided documentary evidence but confirmed that she was not aware that she had to provide a copy of this to the Tenant prior to this hearing. Therefore, I declined to consider the Landlord's documentary evidence but allowed her to provide this into oral evidence during the hearing.

During the hearing, both parties provided oral evidence and made submissions with regards to the circumstances which led to the Tenant being served with the 10 Day Notice which the Tenant received on the same day it was served. The Landlord indicated that she was willing to allow the tenancy to continue if the Tenant paid for the outstanding rent which had been deducted from January 2017 rent which was also the amount the Tenant was seeking to recover from the Landlord in her monetary claim. Section 63 of the Act allows an Arbitrator to 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.

The parties discussed the issues pertaining to the 10 Day Notice and repair issues in this tenancy. As a result, I offered the parties an opportunity to settle this matter by way of mutual settlement rather than have a decision made through a determination of the evidence before me. Both parties considered these options and decided that resolution by mutual agreement was the best course of action in this case. As a result, the parties agreed to settle the dispute under the following terms and conditions as follows.

Settlement Agreement

1. The parties agreed to withdraw the 10 Day Notice dated January 13, 2017. As a result, the tenancy will continue until it is ended pursuant to the Act.
2. The Tenant agrees to pay to the Landlord \$95.50 forthwith so that there are no rental arrears in this tenancy. This is in full satisfaction of the Tenant's monetary claim which was withdrawn.
3. As there were no findings for me to make on the Tenant's Application, the Tenant withdrew the Application which is hereby dismissed without leave to re-apply.
4. The Tenant's daughter confirmed that her mother's disability and medical issues have now subsided and therefore she is no longer residing with her mother on a full time basis.

The parties were cautioned that if there are repair issues in this tenancy, the Tenant must put the Landlord on notice of this in writing. Accordingly, the parties must use remedies under the Act to deal with alleged failure of repairs and any other issues in this tenancy. The Landlord must also post and/or provide the Tenant with a contact name and phone number for emergency repairs. The parties confirmed their voluntary agreement and understating of resolution in this manner both during and at the end of the hearing. This file is now closed. This Decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: February 27, 2017

Residential Tenancy Branch

