



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, FF, MNDC, OLC, PSF, RR

Introduction

The Application for Dispute Resolution filed by the Tenant seeks the following:

- a. An order to cancel the two month Notice to End Tenancy dated January 31, 2017
- b. A monetary order in the sum of \$1384.
- c. An order that the landlord comply with the Act, regulation and/or the tenancy agreement
- d. An order that the landlord provide services or facilities required by the tenancy agreement or law
- e. An order for the reduction of rent for repairs, services, or facilities agreed upon but not provided.
- f. An order to recover the cost of the filing fee.

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the 2 month Notice to End Tenancy was personally served on the Tenant on January 31, 2017. Further I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on the landlord on February 8, 2017. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided:

The issues to be decided are as follows:

- a. Whether the tenant is entitled to an order cancelling the two month Notice to End Tenancy dated January 31, 2017?
- b. Whether the tenant is entitled to a monetary order and if so how much?

- c. Whether the tenant is entitled to recover the cost of the filing fee?

Background and Evidence

The tenancy began on May 1, 2016. The tenancy agreement provided that the tenant(s) would pay rent of \$750 per month payable in advance on the first day of each month. The tenant(s) paid a security deposit of \$375 on June 1, 2013.

On January 31, 2017 the landlord served a 2 month Notice to End Tenancy on the Tenant which provided that "The rental unit will be occupied by the landlord or the landlord's spouse or a close family member (father, mother, or child) of the landlord or the landlord's spouse."

The tenant vacated the rental unit at the end of February. The landlord returned the security deposit and paid the tenant the equivalent of one month rent as the landlord is required to do under section 51(1) of the Act.

The tenant has vacated the rental unit and has no desire for an order to reinstate the tenancy. As a result I ordered that the application to cancel the 2 month Notice to End Tenancy and other claims relating to the continued occupation of the rental unit be dismissed without leave to re-apply.

Tenant's Application for a Monetary Order:

The tenant seeks compensation in the sum of \$1384 for the reduced value of the tenancy. The landlord disputes most of the tenants' claims.

Settlement:

At the end of the hearing the parties reached a settlement and they asked that I record the settlement pursuant to section 63(2) of the Residential Tenancy Act as follows:

- a. The landlord shall pay to the Tenant the sum of \$500.
- b. This is a full and final settlement and each party releases and discharges the other from all further claims with regard to this tenancy.

As a result of the settlement I ordered that the landlord pay to the Tenant the sum of \$500.

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial Court and enforced as an Order of that Court.

This decision is final and binding on both parties.

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: March 08, 2017

Residential Tenancy Branch