



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction

This hearing dealt with a tenant's Application for Dispute Resolution (the "Application") under the Residential Tenancy Act (the "Act") for:

- cancellation of the landlords' 10 Day Notice To End Tenancy for Unpaid Rent or Utilities (the "10 Day Notice");
- an order that the landlords make emergency repairs for health or safety reasons;
- an order that the landlords make repairs to the unit, site or property; and
- an order that the landlords provide services or facilities required by law.

The landlord K.D., who also acted as agent for the absent landlord, (the "landlords") and the tenant appeared at the teleconference hearing gave affirmed testimony. The parties were given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

Preliminary and Procedural Matters

Rule 2.3 of the Residential Tenancy Branch Rules of Procedure 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.

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. Therefore, I will deal with the tenant's request to dispute the 10 Day Notice. I dismiss the balance of the tenant's application with leave to re-apply.

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

During the course of the hearing, the parties reached an agreement to settle this matter, on the following conditions:

1. The tenant will vacate the rental unit by March 31, 2017 at 1:00 p.m.;
2. The tenant will pay the landlords the amount of \$1,800.00, by cash or bank draft, for unpaid rent by no later than 5 p.m. on March 17, 2017;
3. The landlords will issue the tenant a receipt for the payment which will include the date and time the payment was received; and
4. The parties agree that the landlords will be granted a condition order of possession effective two (2) days after service on the tenant which will be of no force or effect if the tenant successfully complies with the above terms. If the tenant fails to comply with the above terms, the order of possession will be of full force and effect and may be served upon the tenant.

Conclusion

I order the parties to comply with the terms of their settlement agreement described above.

The landlords have been granted a conditional order of possession effective two (2) days after service on the tenant, which will be of no force or effect if the tenant successfully complies with the terms of this settlement agreement. If the tenant fails to comply with the terms of this settlement agreement, the order of possession will be of full force and effect and may be served upon the tenant.

Should the landlords need to enforce the order of possession, the landlords must serve the order of possession on the tenant and the order of possession may be filed in the Supreme Court of British Columbia and enforced as an order of that Court. If the tenant successfully complies with the terms of this settlement, the tenancy will continue until March 31, 2017 at 1:00 p.m.

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 16, 2017

Residential Tenancy Branch

