



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR, RR

### Introduction

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

- cancellation of the landlord's 10 Day Notice To End Tenancy for Unpaid Rent or Utilities (the "10 Day Notice"); and
- authorization to deduct the cost of repairs, services or facilities from the rent.

The landlord and Tenant J.J. (the "tenant") appeared at the teleconference hearing and gave affirmed testimony. A witness for the landlord also appeared at the teleconference hearing. Tenant J.J. indicated that he was not given authorization to appear as agent for Tenant M.L. who did not appear at the teleconference hearing which lasted 24 minutes. During the hearing the landlord and tenant were given a full opportunity to be heard, to present sworn testimony and make submissions.

### Preliminary and Procedural Matters

The tenant withdrew their claim for authorization to deduct the cost of repairs, services or facilities from the rent. The tenant indicated that this claim was brought in error. The tenant indicated that Tenant M.L. has already moved out of the rental unit.

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 landlord agrees to withdraw the 10 Day Notice dated March 6, 2017.
2. The parties agree that the tenancy will end at 1:00 p.m. on April 30, 2017.
3. Tenant J.J. will vacate the rental unit by 1:00 p.m. on April 30, 2017.
4. The parties agree that the landlord will be granted an order of possession that will be effective April 30, 2017 at 1:00 p.m.
5. The parties agree that this settlement agreement constitutes a final and binding resolution of the tenants' Application at this hearing.

The parties confirmed that this agreement was made on a voluntary basis and the parties understood the nature of this full and final settlement of all matters.

### Conclusion

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

The landlord has been granted an order of possession effective April 30, 2017 at 1:00 p.m. Should the landlord need to enforce the order of possession, the landlord 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.

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: April 11, 2017

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Residential Tenancy Branch