



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Peter Fang PREC*
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes

Landlord: OPR, MNR, MNSD, FF

Tenants: MT, CNR, LRE, MNR, OLC, PSF, RR

Introduction

This hearing dealt with the cross Applications for Dispute Resolution. The landlord sought an order of possession and a monetary order. The tenants sought more time to cancel a notice to end tenancy; to cancel a notice to end tenancy; an order to restrict the landlord's access; have the landlord provide services and facilities required by law; a rent reduction; and a monetary order.

The hearing was conducted via teleconference and was attended by the landlord's agent and one of the tenants.

Residential Tenancy Branch Rule of Procedure 2.3 states that claims made in an Application for Dispute Resolution must be related to each other. Arbitrators may use their discretion to dismiss unrelated claims with or without leave to reapply.

It is my determination that the priority claim regarding the 10 Day Notice to End Tenancy for Unpaid Rent and the continuation of this tenancy is not sufficiently related to the tenants' claim to suspend or set conditions on the landlord's right to enter the rental unit; to provide services and facilities; to obtain a rent reduction and monetary orders. The parties were given a priority hearing date in order to address the question of the validity of the Notice to End Tenancy.

The tenants' other claims are unrelated in that the basis for them rests largely on facts not germane to the question of whether there are facts which establish the grounds for ending this tenancy as set out in the 10 Day Notice. I exercise my discretion to dismiss the tenants' claims to restrict the landlord's access; have the landlord provide services and facilities required by law; a rent reduction; and a monetary order. I grant the tenants leave to re-apply for these claims.

Issue(s) to be Decided

The issues to be decided are whether the tenants are entitled to more time to submit an Application for Dispute Resolution seeking to cancel a notice to end tenancy and to cancel a 10 Day Notice to End Tenancy for Unpaid Rent, pursuant to Sections 46 and 66 of the *Residential Tenancy Act (Act)*.

It must also be decided are if the landlord is entitled to an order of possession for unpaid rent; to a monetary order for unpaid rent; for all or part of the security deposit and to recover the filing fee from the tenants for the cost of the Application for Dispute Resolution, pursuant to Sections 38, 46, 55, 67, and 72 of the *Act*.

Background and Evidence

During the hearing the parties reached the following settlement:

1. The parties agreed the 10 Day Notice to End Tenancy is cancelled;
2. The tenant agrees to pay the landlord the outstanding arrears of \$4,600.00 in the following installments:
 - a. \$1,000.00 no later than May 19, 2017;
 - b. \$1,000.00 no later than June 15, 2017;
 - c. \$1,000.00 no later than July 15, 2017;
 - d. \$1,000.00 no later than August 15, 2017; and
 - e. \$600.00 no later than September 15, 2017; and
3. The parties agreed if the tenants fail to make anyone of these payments on the day it is due the tenancy will end and the tenants will vacate the rental unit.

The parties also acknowledged in the hearing they both understood that this settlement agreement is independent of each of their future obligations according to their tenancy agreement, such as but not limited to the payment of rent when it is due and the length of the current fixed term of the tenancy.

Conclusion

In support of this settlement and by agreement of both parties I grant the landlord an order of possession effective **two days after service on the tenants** and only if the tenants fail to comply with the above settlement. This order must be served on the tenants. If the tenants fail to comply with this order the landlord may file the order with the Supreme Court of British Columbia and be enforced as an order of that Court.

In addition, by agreement of both parties I grant a monetary order to the landlord in the amount of **\$4,600.00**. This order must be served on the tenants in the event the tenant fails to comply with the above settlement. If the tenants fail to comply with this order the landlord may file the order in the Provincial Court (Small Claims) and be 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: May 17, 2017

Residential Tenancy Branch