



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION AND RECORD OF SETTLEMENT

Dispute Codes

CNC OPC OPB MND MNDC MNSD FF

Introduction

This hearing was convened in response to cross applications filed by the parties in respect to Notices to End for Cause and Unpaid Rent. As well the parties each sought Monetary Orders for damage and loss. Both parties attended the conference call hearing and acknowledged the particulars of their applications and exchanging of evidence. The Residential Tenancy Rules of Procedure, Rule 2.3, states that for disputes to be combined on an application they must be related. It is my Decision that I will not deal with all the dispute issues that the tenant and landlord have placed on their applications. Not all the claims on their application are sufficiently related or relevant to the main issue of the tenancy's survival to be dealt with together. Therefore, I will deal with the parties' requests respecting the status of the tenancy, to uphold or set aside Notices to End Tenancy, and I dismiss the balance of the parties' monetary claims tenant's claims with liberty to re-apply should they find their claims remain relevant.

Background and Evidence

Both parties agree that on June 27, 2017 the tenant received a 1 Month Notice to End Tenancy for Cause with an effective date of July 31, 2017. Both parties agree that on July 15, 2017 the tenant received a 10 Day Notice to End Tenancy for Unpaid Rent and that the tenant paid the outstanding rent within the permitted time to do so and therefore the 10 Day Notice became null and of no effect. The parties discussed the 1 Month Notice to End Cause.

Section 63 of the *Residential Tenancy Act* provides that the parties may attempt to settle their dispute during a hearing. Pursuant to this provision, discussion between the parties during the hearing led to a resolution. Specifically, it was agreed as follows;

1. Both parties agree that the tenancy may continue on the parties' agreement the tenant will move their hot tub to the exterior of the rental unit on or before October 31, 2017.

These particulars comprise the full and final settlement of all aspects of the parties' dispute concerning all Notices to End issued in this tenancy to this date. Both parties testified in the hearing that they understood and agreed to the above terms. Both parties testified that they understood and agreed that the above terms settle the status of the tenancy and that such terms are final and binding on both parties.

Conclusion

The parties settled all aspects of their dispute as stated in the above terms, and the balance of the parties' applications were dismissed *with leave to reapply*.

This Decision and Settlement are final and binding.

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: September 19, 2017

Residential Tenancy Branch