



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR FFT MNRT OLC RR

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- cancellation of the landlord's 10 Day Notice pursuant to section 46;
- an Order directing the landlord to reduce rent pursuant to section 65;
- an Order directing the landlord to comply with the *Act* pursuant to section 62;
- a Monetary Order pursuant to section 67; and
- a return of the filing fee pursuant to section 72.

Both the tenant and the landlord attended the hearing. The landlord was represented at the hearing by agent, J.L. Both parties were given a full opportunity to be heard, to present their sworn testimony, to make submissions, to call witnesses and to cross-examine one another.

No issues regarding service of the documents were raised at the hearing.

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

Both parties agreed to the following final and binding settlement of all issues currently under dispute at this time:

1. Both parties agreed that this tenancy is to end by way of Mutual Agreement on 1:00 P.M. on February 3, 2017.
2. The landlord agreed to have snow removed from the driveway, allowing the tenant's vehicle to access the road by 1:00 P.M. on February 3, 2017.
3. The tenant agreed to withdrawn his application for a monetary award, along with his application for a reduction in rent, and his application directing the landlord to comply with the *Act*.

4. Both parties agreed that this settlement agreement constituted a final and binding resolution of the tenant's application.

These particulars comprise the full and final settlement of all aspects of this dispute for both parties. Both parties testified at the hearing that they understood and agreed to the above terms, free of any duress or coercion. Both parties testified that they understood and agreed that the above terms are legal, final, binding and enforceable, which settle all aspects of this dispute.

As the parties reached a settlement, the filing fee will not be returned to the tenant.

Conclusion

To give effect to the settlement reached between the parties and as discussed with them during the hearing, I issue an Order of Possession to the landlord, which is to take effect by 1:00 p.m. on February 3, 2018. The landlord is provided with this Order in the above terms and the tenant must be served with this Order in the event that the tenant does not abide by condition #1 of the above settlement. Should the tenant fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

The landlord agreed to remove all snow preventing access from accessing the road.

The tenant withdrew his application for a monetary award, for a reduction in rent and for Orders directing the landlord to comply with the *Act*.

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: January 9, 2018

Residential Tenancy Branch