



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Randall North Real Estate  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNC ERP MNDCT OLC

This hearing was convened as a result of the Tenant's Application for Dispute Resolution. A participatory hearing, via teleconference, was held on January 3, 2018. This hearing was adjourned to allow more time to hear the issues, so a second oral hearing was held on March 8, 2018. The Tenant applied for multiple remedies under the *Residential Tenancy Act* (the "Act"), a number of which were not sufficiently related to one another.

Section 2.3 of the Rules of Procedure states that claims made in an Application must be related to each other and that arbitrators may use their discretion to dismiss unrelated claims with or without leave to reapply.

After looking at the list of issues the Tenant applied for, and based on the evidence before me, I find the most pressing issue in this application is related to whether or not the tenancy is ending. As a result, I exercise my discretion to dismiss, with leave to reapply, all of the grounds on the Tenant's application with the exception of the following ground:

- to cancel a One Month Notice to End Tenancy for Cause (the "Notice").

The Landlord and the Tenant both attended the hearing. All parties were provided the opportunity to present evidence orally and in written and documentary form, and to make submissions to me. I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

## Settlement Agreement

During the hearing, a mutual agreement was discussed and both parties came to agreement that the tenancy will end but the Tenant just needs a little bit of extra time to move out.

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.

Given the agreement reached between the parties during the proceedings, I find that the parties have settled their dispute with respect to the 1 Month Notice to End Tenancy and the following records this settlement as a decision:

- The Tenant will move out of the rental unit by **June 30, 2018, at 1pm.**
- The Tenant is at liberty to move out before this time

The parties confirmed at the end of the hearing that this agreement was made on a voluntary basis.

To give effect to the settlement reached by the parties, I also grant the Landlord an Order of Possession effective June 30, 2018, at 1pm to reflect the end of tenancy.

### Conclusion

In support of the agreement described above, the Landlord is granted an order of possession effective June 30, 2018, at 1pm and after service on the Tenant. The Landlord may serve and enforce this Order if the Tenant fails to move out as specified above.

This Order **must** be read in conjunction with the above settlement agreement and the Landlord **must not** seek to enforce this Order on the Tenant, unless the Tenant fails to meet the conditions of this agreement.

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 9, 2018

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Residential Tenancy Branch