



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, ERP, FFT, OLC, PSF, RP, RR OPRM – DR

The Application for Dispute Resolution filed by the landlord makes the following claims:

- a. An Order for Possession for non-payment of rent
- b. A monetary order in the sum of \$6000 for unpaid rent
- c. An order to retain the security deposit
- d. An order to recover the cost of the filing fee

The Application for Dispute Resolution filed by the Tenant makes the following claims:

- a. An order to cancel the 10 day Notice to End Tenancy dated March 26 2018
- b. An order for emergency repairs
- c. An order to recover the cost of the filing fee.
- d. An order that the landlord comply with the Act, regulations and/or tenancy agreement.
- e. An order that the landlord provide services or facilities required by the tenancy agreement or law.
- f. A repair order
- g. A monetary order in the sum of \$18,000
- h. An order that the landlord reduce the rent for repairs, services or facilities agreed upon but not provided.

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. The parties reached a settlement during the course of the settlement.

I find that the 10 day Notice to End Tenancy was served on the Tenant by posting on March 26, 2018. Both parties acknowledged receipt of the hearing packages filed by the other party. :

Background and Evidence:

The parties entered into a one year fixed term written tenancy agreement that provided that the tenancy would start on October 1, 2013 end one year later and become month to month after that. The rent was \$1500 per month payable in advance on the first day of each month. The tenant paid a security deposit of \$750 at the start of the tenancy.

There has been a problem with the back up of the plumbing system in the rental unit. The tenant testified he was forced to vacate because of the poor condition. His belongings remain in the rental unit. The landlord seeks a monetary order for non payment of rent for 3 months in 2016 and the months of March, April and May 2018. The claim for non-payment of rent amounts to \$9000.

The tenant seeks a number of orders including a monetary order of \$18,000 for the reduced value of the tenancy.

Settlement:

The parties reached a settlement and they asked that I record the settlement as follows:

- a. The parties mutually agree to end the tenancy on June 7, 2018.
- b. The parties request the arbitrator issue an Order of Possession for June 7, 2018.
- c. The landlord releases and discharges the tenant from all claims made in her Application for Dispute Resolution including her claim for non-payment of rent.
- d. The tenant releases and discharges the landlord from all claim made in his Application for Dispute Resolution including his claim of \$18,000 for the reduced value of the tenancy.

Determination and Orders:

As a result of the settlement I granted an Order of Possession effective June 7, 2018. All other claims the application of the landlord and the tenant are dismissed without leave to re-apply.

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

This decision is final and binding on the parties.

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, 2018

Residential Tenancy Branch