



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, CNC, MNDCT, MNRT, LRE, OLC

Introduction

On September 14, 2018, the Tenant submitted two Applications for Dispute Resolution under the *Residential Tenancy Act* (the “Act”) requesting a cancellation of a 10-Day Notice to End Tenancy and a One-Month Notice to End Tenancy; to request a Monetary Order for damages and compensation for emergency repairs, and for an order to restrict Landlord’s right to enter and to order the Landlord to comply with the Act. The matter was set for a participatory hearing via conference call.

The Landlord and Tenant attended the hearing and provided affirmed testimony. The parties agreed that the tenancy began on August 2, 2018, that the monthly rent was \$2,200.00 and that the Landlord collected a security deposit of \$1,200.00.

Preliminary Matters

Section 63 of the Act allows an Arbitrator to 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 and include an Order. Accordingly, I assisted the parties to resolve this dispute by helping them negotiate terms for a Settlement Agreement with the input from both parties.

Settlement Agreement

The Landlord and Tenant confirmed during the hearing that this agreement was made voluntarily and that it was made in full satisfaction of the Tenant’s two Applications.

1. The Landlord and the Tenant agree to end the tenancy on November 30, 2018. This tenancy will continue in accordance with the Act until it is ended on November 30, 2018.
2. The Landlord agrees not to charge the Tenant rent for the month of November 2018.
3. The Tenant agrees to provide the Landlord a key to the rental unit on or before November 7, 2018.
4. The Landlord and the Tenant agree that there will be no further Applications for Dispute Resolution or claims against one another regarding any issues that have occurred during this tenancy from August 2, 2018 and October 30, 2018. *See note below.
5. These Applications are now closed.

This agreement was summarized for the parties on two occasions and all parties in attendance at the hearing indicated that they agreed to resolve this dispute under these terms. The Landlord and the Tenant both acknowledged that they understood they were not required to enter into this agreement and that they understood the agreement was final and binding.

***Note: Term 4**

The parties agreed that this Settlement Agreement would fully address the monetary claims of unpaid rent, those claims made in the Tenant's Applications and all future claims regarding this tenancy. However, as this tenancy will be continuing until the end of November 2018, I must reinforce that the Tenant and the Landlord still have responsibilities for an end of tenancy, pursuant to the Act. These responsibilities include leaving the rental unit reasonably clean and undamaged and attention to the return of the security deposit. Upon further consideration on my part, I authorize future claims for any potential breaches of the Act between November 1, 2018 and the end of the tenancy on November 30, 2018.

Conclusion

The above Settlement Agreement is made in full satisfaction of the Tenant's Applications.

As discussed with parties during the hearing, to give effect to the settlement reached between them, I issue the attached Order of Possession to be used by the Landlord only if the Tenant fails to vacate the rental unit by 1:00 p.m. on November 30, 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 vacate the rental unit as agreed to in the Settlement Agreement. 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.

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: October 30, 2018

Residential Tenancy Branch