



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, CNC, CNR, RP, RR, PSF

Introduction

This was a cross-application hearing for Dispute Resolution under the *Residential Tenancy Act* (“the Act”).

On July 26, 2018, the Tenant applied to cancel a 1 Month Notice To End Tenancy For Cause, and to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities. The Tenant also applied for compensation. On August 29, 2018, the Tenant amended the application to include a dispute of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities.

On August 2, 2018, the Landlord applied for an early end of tenancy and an order of possession for the rental unit. On August 30, 2018, the Landlord amended the application to include a 1 Month Notice To End Tenancy For Cause; a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities; and monetary compensation in the amount of \$3,300.00.

The matter was set for a conference call hearing. Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants. The hearing process was explained. The parties were provided with an opportunity to ask questions about the hearing process. They were provided with the opportunity to present affirmed oral testimony and to make submissions during the hearing. The parties confirmed that they exchanged the documentary evidence before me.

Settlement Agreement

During the hearing, the parties agreed to settle this matter, on the following conditions:

1. The parties agree that the tenancy will end at 1:00 pm on **October 31, 2018**.
2. The parties agree that the Landlord is granted an order of possession effective **October 31, 2018, at 1:00 p.m.**
3. The parties agree to treat each other with respect for the remainder of the tenancy.

4. The parties retain the right to reapply for dispute resolution seeking compensation for money owed, damage, or loss.

This settlement agreement was reached in accordance with section 63 of the *Act*.

The opportunity for settlement was discussed with the parties during the hearing. The parties were advised there is no obligation to resolve the dispute through settlement, but that I could assist the parties to reach an agreement. I indicated on several occasions that if either party did not wish to resolve this matter through a mutually agreed settlement, I was prepared to hear their evidence and make a decision.

Section 72 of the *Act* gives me authority to order the repayment of a fee for an application for dispute resolution. As the parties settled the dispute, I decline to order repayment of the filing fees.

Conclusion

I order the parties to comply with the terms of their mutually settled agreement described above.

The Landlord has been granted an order of possession effective October 31, 2018, at 1:00 p.m. This order must be served on the Tenant and may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

This decision is final and binding on the parties, unless otherwise provided under the *Act*, and 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 18, 2018

Residential Tenancy Branch