



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction

This hearing dealt with an application by the tenants under the Residential Tenancy Act (the *Act*) for the following:

- Cancellation of Ten Day Notice to End Tenancy for Unpaid Rent or Utilities (“Ten Day Notice”) under section 46 of the *Act*;
- An order for more time to file the application under section 66 of the *Act*;
- An order requiring the landlord to make emergency repairs under section 33 of the *Act*;
- An order requiring the landlord to make repairs under section 32 of the *Act*;
- An order to reduce rent for repairs agreed upon but not provided under section 65 of the *Act*.

LK appeared for the tenants (“the tenants”). The landlord appeared. Both parties were given full opportunity to provide affirmed testimony, present evidence, cross examine the other party and make submissions.

The landlord acknowledged receipt of the Notice of Hearing and the tenants’ documents. The tenants acknowledged receipt of the landlord’s materials. No issues of service were raised.

At the outset, the tenant withdrew her request for more time to file the application under section 66 of the *Act*. I therefore dismiss this claim without leave to reapply.

Section 2.3 of the *Residential Tenancy Branch Rules of Procedure* (the “*Rules*”) states that claims made in the application must be related to each other. Arbitrators may use their discretion to dismiss unrelated claims with or without leave to reapply.

I find that the following claims are not related to the tenants’ application to cancel the Two Month Notice and are therefore dismissed with leave to reapply:

- An order requiring the landlord to make emergency repairs under section 33 of the *Act*;
- An order requiring the landlord to make repairs under section 32 of the *Act*;
- An order to reduce rent for repairs agreed upon but not provided under section 65 of the *Act*.

Issue(s) to be Decided

1. Are the tenants entitled to cancellation of the Ten Day Notice, pursuant to section 46 of the *Act*?
2. If the tenants’ application is dismissed, is the landlord entitled to an Order of Possession, pursuant to section 55 of the *Act*?

Background and Evidence

Pursuant to section 63 of the *Act*, the Arbitrator may assist the parties to settle their dispute and if the parties do so 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:

- The tenants withdraw their application to cancel the Ten Day Notice;
- The tenants will vacate the rental unit on September 30, 2018;
- The landlord is granted an order of possession effective 1:00 PM on September 30, 2018 in the event the tenants do not vacate the unit;
- These terms comprise the full and final settlement of all aspects of this dispute for both parties.

Both parties testified they understood and agreed the above terms are final, binding, and enforceable and settle all aspects of this dispute.

Conclusion

Pursuant to the settlement agreement, I grant the landlord an order of possession effective at 1:00 PM on **September 30, 2018**. This order must be served on the tenant. If the tenant fails to comply with this order the landlord may file the order with the Supreme Court of British Columbia and have it enforced as an order of that Court.

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: September 11, 2018

Residential Tenancy Branch