



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Decision Codes: DRI, LAT, FRE, FFT

Introduction

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

- a. An order to cancel a 10 day Notice to End Tenancy dated July 9, 2018.
- b. Reimbursement of rent increase paid that was not permitted by the Residential Tenancy Act.
- c. An order suspending or setting conditions on the landlord's right to enter the rent unit or site
- d. An order that the landlord comply with the Act, Regulations and/or tenancy agreement.

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. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the 10 Notice to End Tenancy in the approved government form was personally served on the Tenants on July 9, 2018. Further I find that the Application for Dispute Resolution/Notice of Hearing was personally served on the landlord on July 13, 2018.

Both parties took the position that the Residential Tenancy Act applied and that I had jurisdiction to hear this matter..

Issues to be Decided

The issues to be decided are as follows:

- a. Whether the tenants are entitled to an order to cancel the 10 day Notice to End Tenancy dated July 9, 2018?
- b. Whether the tenants are entitled to a monetary order for reimbursement of a rent increase paid by the Tenants that was not permitted by the Residential Tenancy Act?
- c. Whether the Tenants are entitled to an order suspending or setting conditions on the landlord's right to enter the rental unit or site?
- d. Whether the tenants are entitled to an order that the landlord comply with the Act, Regulations and/or tenancy agreement?

Background and Evidence:

The tenancy began on March 29, 2017. The representative of the landlord stated the landlord is a hotel. The agreement was that the Tenants would pay the sum of \$1150 per month for 30 days. The landlord testified the rent of \$1150 was due on June 23, 2018. The tenants approached her and requested that they be permitted to pay a pro rata basis for the next month as they had hoped to move into a new rental unit on July 9, 2018. The landlord agreed. The Tenants paid \$340 which was the rent to July 9, 2018. The tenants were unable to move to their new rental unit. They asked to pay the rent for the remaining period of time but the landlord refused.

The landlord testified the tenants failed to pay the rent which was due on July 23, 2018 and August 22, 2018 and they owe her \$2721.43 to September 10, 2018. The tenants stated they attempted to pay but the landlord refused. The landlord disputes this.

The tenants stated they have a new place to move to and they can vacate today.

Settlement:

The parties reached a settlement and they asked that I record the settlement pursuant to section 63(2) of the Residential Tenancy Act as follows:

- a. The parties mutually agree to end the tenancy on September 12, 2018.
- b. The parties request the arbitrator issue an Order of Possession for September 12, 2018.

Order for Possession:

As a result of the settlement I granted an Order of Possession effective 1:00 p.m. on September 12, 2018. All other claims are dismissed.

The tenants 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.

The landlord stated she has a monetary claim against the Tenants for non payment of rent. The Tenants stated they have monetary claims against the landlord for problems associated with the rental unit. The parties will have to file further claims to have those issues dealt with.

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 10, 2018

Residential Tenancy Branch