



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR OLC PSF RR MNDC

Introduction

This hearing held on January 25, 2019, was convened as a result of the Tenant's Application for Dispute Resolution. The Tenant applied for multiple remedies, pursuant to the *Residential Tenancy Act* (the "Act").

Both sides attended the hearing and provided testimony. All parties were provided the opportunity to present evidence orally and in written and documentary form, and to make submissions to me.

I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Preliminary and Procedural Matters

The Tenant applied for multiple remedies under the "Act", some of which were not sufficiently related to one another.

Section 2.3 of the Rules of Procedure states that claims made in an Application must be related to each other and that arbitrators may use their discretion to dismiss unrelated claims with or without leave to reapply.

After looking at the list of issues before me at the start of the hearing, I determined that the most pressing and related issues before me deal with whether or not the tenancy is ending. As a result, I exercised my discretion to dismiss, with leave to reapply, all of the grounds on the application with the exception of the Tenants' request to cancel the 10-Day Notice to End Tenancy.

Settlement Agreement

During the hearing, a mutual agreement was discussed and the Tenant agreed to withdraw her application to cancel the Notice as long as she could have some extra time to move out, which the Landlord agreed to.

At the end of the hearing, the Tenant suddenly disconnected and I waited several minutes to see if she would reconnect, but she did not. However, prior to her disconnecting, a settlement agreement had been reached between the parties, and all specifics were agreed upon and understood by each side, as laid out below.

Pursuant to section 63 of the *Act*, the Arbitrator may 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 or an order.

Given the agreement reached between the parties during the proceedings, I find that the parties have settled their dispute and the following records this settlement as a decision:

- The Tenant will move out of the rental unit by **February 2, 2019, at 1pm.**
- The Tenant is at liberty to move out before this time.
- The Notice issued on December 11, 2018, is cancelled.
- The Tenant withdraws her application to cancel the Notice.
- This mutual agreement only settles when the tenancy will end.

The parties confirmed at the end of the hearing that this agreement was made on a voluntary basis and that the parties understood the nature of this full and final settlement of this matter. Parties are encouraged to try to work together on any remaining issues.

To give effect to the settlement reached by the parties, I also grant the Landlord an Order of Possession effective February 2, 2019, at 1pm to reflect the end of tenancy.

Conclusion

In support of the agreement described above, the Landlord is granted an order of possession effective February 2, 2019, at 1pm and after service on the Tenant. The

Landlord may serve and enforce this Order if the Tenant fails to move out as specified above.

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: January 25, 2019

Residential Tenancy Branch