



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPN, MNRL-S, FFL, MT, CNR, PSF, LRE, FFT

### Introduction

This was a cross application hearing that dealt with the tenants' application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- more time to cancel a Notice to End Tenancy, pursuant to section 66;
- cancellation of the 10 Day Notice to End Tenancy, pursuant to section 46;
- an Order to provide services or facilities required by the tenancy agreement or law, pursuant to section 62;
- an Order to restrict or suspend the landlord's right to enter, pursuant to section 70; and
- authorization to recover the filing fee for this application from the landlord, pursuant to section 72.

This hearing also dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an Order of Possession because the tenant has provided written notice to end the tenancy, pursuant to section 55;
- a Monetary Order for unpaid rent, pursuant to section 67;
- authorization to retain the tenant's security deposit, pursuant to section 38; and
- authorization to recover the filing fee for this application from the tenant, pursuant to section 72.

Both parties attended and were each given a full opportunity to be heard, to present their affirmed testimony, to make submissions and to call witnesses.

Issue(s) to be Decided

1. Is the tenant entitled to more time to cancel a Notice to End Tenancy, pursuant to section 66 of the *Act*?
2. Is the tenant entitled to cancellation of the 10 Day Notice to End Tenancy, pursuant to section 46 of the *Act*?
3. Is the tenant entitled to an Order to provide services or facilities required by the tenancy agreement or law, pursuant to section 62 of the *Act*?
4. Is the tenant entitled to an Order to restrict or suspend the landlord's right to enter, pursuant to section 70 of the *Act*?
5. Is the tenant entitled to recover the filing fee for this application from the landlord, pursuant to section 72 of the *Act*?
6. Is the landlord entitled to an Order of Possession because the tenant has provided written notice to end the tenancy, pursuant to section 55 of the *Act*?
7. Is the landlord entitled to a Monetary Order for unpaid rent, pursuant to section 67 of the *Act*?
8. Is the landlord entitled to retain the tenant's security deposit, pursuant to section 38 of the *Act*?
9. Is the landlord entitled to recover the filing fee for this application from the tenant, pursuant to section 72 of the *Act*?

Analysis

Pursuant to section 63 of the *Act*, the Arbitrator may assist the parties to settle their disputes and if the parties settle their disputes 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, engaged in a conversation, turned their minds to compromise and achieved a resolution of their disputes.

Both parties agreed to the following final and binding settlement of all issues currently under dispute:

1. The tenant agrees to pay the landlord the sum of \$650.00 according to the following payment schedule: \$130.00 by the last day of each month from March to July 2019.

These particulars comprise the full and final settlement of all aspects of these disputes for both parties. Both parties gave verbal affirmation at the hearing that they understood and agreed to the above terms as legal, final and binding, which settle all aspects of these disputes.

### Conclusion

To give effect to the settlement reached between the parties and as discussed with them during the hearing, I issue the attached Monetary Order in the amount of \$650.00, effective July 31, 2019, to be used by the landlord **only** if the tenant does not abide by the terms of the settlement agreement.

Should the tenant fail to comply with this Order, this Order may be filed and enforced as an Order of the Small Claims 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: February 26, 2019

---

Residential Tenancy Branch