



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      DRI ERP LRE MNDCT RP RR FFL MNRL-S OPR

### Introduction

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

- a request for reimbursement of rent paid in regards to a disputed rent increase by the landlord pursuant to section 41;
- an order to the landlord to make emergency repairs to the rental unit pursuant to sections 33 and 62;
- an order to suspend or set conditions on the landlord's right to enter the rental unit pursuant to section 70;
- a monetary order for unpaid rent and for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement pursuant to section 67;
- an order to the landlord to make repairs to the rental unit pursuant to sections 32 and 62; and
- an order to allow the tenant to reduce rent for repairs, services or facilities agreed upon but not provided, pursuant to section 65.

In addition, the landlord filed a separate application for dispute resolution which was set for a separate hearing on May 7, 2019. The landlord's application was made pursuant to the *Act* for:

- a monetary order for unpaid rent pursuant to section 67;
- an Order of Possession pursuant to section 55; and,
- authorization to recover his filing fee for this application from the tenant pursuant to section 72.

Rule 2.10 of the *Residential Tenancy Branch Rules of Procedure* permits an Arbitrator to join applications for dispute resolution and have the matters heard at the same hearing "...so that the dispute resolution process will be fair, efficient and consistent".

In this matter, I find that it is appropriate to join both of these applications for dispute resolution as they both relate to the same parties, the same rental unit, and the same issues. Furthermore, both parties consented to joining these matters. Accordingly, I hereby order both applications referenced on the first page of this decision be joined and heard at the same time herein.

Both parties attended the hearing and were given a full opportunity to be heard, to present their affirmed testimony and to make submissions. Before the conclusion of this hearing, the parties discussed the issues between them, engaged in a conversation, turned their minds to compromise, and achieved a resolution of their disputes.

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. 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 Parties mutually agreed as follows:**

- The landlord shall have the rental unit professionally fumigated, at landlord's expense, by a licensed pest control contractor to eradicate any bed bug infestation;
- The tenant shall co-operate with the pest control services;
- The landlord shall allow the tenant to stay at the rental unit until the later of 1:00 pm on May 15, 2019 or one week after the completion of the pest control services, whichever occurs later. The landlord is granted an Order of Possession in accordance with these dates;
- The tenant is permitted to leave any damaged or infested personal property at the rental unit when she vacates the property. The landlord shall be responsible for the disposal of any such personal property left in the rental unit at the landlord's expense.
- Both parties waive any claim against the other for any losses or damages other than potential claims relating to the security deposit.

These terms comprise the full and final settlement of all aspects of both applications referenced on the first page of this decision for both parties.

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

Based on the above, I find that all matters between these parties raised in this application are resolved pursuant to the above agreed terms.

### Conclusion

To give effect to the settlement reached between the parties and as discussed with them during the hearing, I issue an Order of Possession to the landlord, which is to take effect two days after service on the tenant. This order must be served on the tenant. This Order of Possession may only be used by the landlord on the later date of 1:00 pm on May 15, 2019 or one week after the completion of the pest control services. The Order of Possession does not have any force or effect until these dates. If the tenant fails to comply with this order, the landlord may file the order with the Supreme Court of British Columbia and it may be enforced as an order of that Court.

Further to the settlement reached by the parties, I dismiss all claims by both parties in both applications referenced on the first page of this decision without leave to reapply.

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: April 29, 2019

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Residential Tenancy Branch