



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding ACE AGENCIES LTD  
and [tenant name suppressed to protect privacy]

## **DECISION**

**Dispute Codes**

**FFL OPRM-DR**

**CNR FFT MNDCT OLC RR**

### **Introduction**

This hearing dealt with applications from both the landlord and the tenant pursuant to the Residential Tenancy *Act* ("*Act*").

The landlord applied for:

- Authorization to recover the filing fee for this application from the tenant pursuant to section 72;
- An order of possession for unpaid rent and a monetary order for unpaid rent pursuant to sections 46 and 55.

The tenant applied for:

- An order to cancel a 10 Day Notice for Unpaid Rent pursuant to section 46;
- Authorization to recover the filing fee for this application from the landlord pursuant to section 72;
- A monetary order for damages or compensation pursuant to section 67;
- An order for the landlord to comply with the *Act*, legislation or tenancy agreement pursuant to section 62; and
- A rent reduction for repairs/services/facilities agreed upon but not provided pursuant to section 65.

Both parties attended the hearing and were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. The hearing process was explained, and parties were given an opportunity to ask any questions about the process.

### **Preliminary Issue**

The landlord advised he had filed another Direct Request Proceeding application based on the 10 Day Notice signed on May 2, 2019 which the tenant had already disputed by amending his Application for Dispute Resolution Proceedings. This case was added to

this hearing in accordance with Rule 6.1 of the Residential Tenancy Branch rules of Procedure.

### Settlement

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. 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 at this time:

1. The parties agree this tenancy ended on May 23, 2019 and the 10 Day Notice to End Tenancy dated May 2, 2019 and the 10 Day Notice to End Tenancy dated April 9, 2019 are both cancelled and of no further force or effect.
2. The landlord will retain the security deposit and pet damage deposit totalling \$1,650.00 in full and final settlement of the landlord's claim for unpaid rent for the months of April and May 2019.
3. The tenants' application for a monetary order for damages or compensation pursuant to section 67 of the *Act* is dismissed with leave to reapply.
4. With the exception of the tenant's application for a monetary order, this settlement comprises the full and final settlement of the parties' applications.

### Conclusion

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: June 03, 2019

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Residential Tenancy Branch