



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL ERP LRE OLC PSF RP

Introduction

This hearing was convened by way of conference call concerning an application made by the tenant seeking the following relief:

- an order cancelling a notice to end the tenancy for landlord's use of property;
- an order that the landlord make emergency repairs for health or safety reasons;
- an order limiting or setting conditions on the landlord's right to enter the rental unit;
- an order that the landlord comply with the *Residential Tenancy Act* or the tenancy agreement;
- an order that the landlord provide services or facilities required by the law or the tenancy agreement; and
- for an order that the landlord make repairs to the rental unit or property.

The hearing did not conclude on the first or second dates scheduled and was adjourned to continue. My Interim Decision was provided to the parties after the first scheduled date, which dismissed all applications of the tenant with leave to reapply, with the exception of the primary application, which seeks an order cancelling a notice to end the tenancy for landlord's use of property.

The tenant attended the hearing on all scheduled dates with an Advocate, a Law Student, and Senior Counsel, who observed only. The landlord also attended the hearing on all scheduled dates accompanied by an agent as well as an interpreter.

The landlord's interpreter was also affirmed on all scheduled dates to well and truly interpret the hearing from the English language to the landlord's Native language and from the landlord's Native language to the English language to the best of his skill and ability.

The interpreter has interpreted in the past in witness testimony or statements, but is not an accredited interpreter.

During the course of the third day of the hearing, the parties agreed to settle this dispute in the following terms:

- The landlord will have an Order of Possession effective at 4:00 p.m. on September 30, 2019;
- No rent will be payable for the months of July, August or September, 2019;
- The landlord will pay the sum of \$10,754.00 to the tenant by certified cheque on September 30, 2019 upon the tenant vacating that day by 4:00 p.m. or prior, and if the landlord fails to do so, the landlord will not enforce the Order of Possession and the tenancy will continue;
- Within 30 days of today's date, the landlord will conduct an inspection of the rental unit after giving the tenant 72 hours written notice;
- The parties will participate in a move-out condition inspection and make a report in accordance with the regulations on September 30, 2019 at 3:30 p.m. without the necessity of the landlord providing the tenant with at least 2 opportunities to schedule the inspection;
- The landlord is entitled to seek compensation for any documented damage to the rental unit that occurs only between the dates of these 2 inspections;
- The parties will deal with security deposit and pet damage deposit in accordance with Section 38 of the *Residential Tenancy Act*;
- The Application of the tenant under File No. 31046164 is dismissed with leave to reapply, by the consent of the parties.

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 settlement.

Conclusion

For the reasons set out above, I hereby order the parties to comply with the settlement agreement as set out above. If the landlord does not provide a certified cheque to the tenant in the sum of \$10,754.00 as set out above, the landlord may not enforce the Order of Possession and the tenancy will continue.

The application of the tenant under File No. 31046164 scheduled for July 26, 2019 at 11:00 a.m. is hereby dismissed with 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: June 20, 2019

Residential Tenancy Branch