Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding GREENBRIER HOLDINGS LTD. and
[tenant name suppressed to protect privacy]

DECISION

Dispute Codes   CNC FFT RP

Introduction

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

- cancellation of the landlord's One Month Notice to End Tenancy for Cause (the "One Month Notice") pursuant to section 47;
- an order to the landlord to make repairs to the rental unit pursuant to sections 32 and 62; and
- authorization to recover the filing fee for this application pursuant to section 72.

Both parties attended the hearing and had full opportunity to provide affirmed testimony, present evidence, cross examine the other party, and make submissions. The landlord testified that they did not receive a complete Notice of Hearing and Application for Dispute Resolution from the tenant. However, the landlord testified that they became sufficiently aware of this hearing by contacting the Residential Tenancy Branch. Since the landlord attended the hearing and submitted evidence for the hearing, I find that the landlord was sufficiently served pursuant to section 71(2)(c) of the *Act*.

Preliminary Matter: Applicants

The tenant testified that he named his minor children as applicants on this application for dispute resolution. Neither party had an objection to the removal of the tenant's child from this application of dispute resolution. I herein amend the tenants' application to remove the tenant's children from this application for dispute resolution pursuant to section 64(3)(c) of the *Act*.

Settlement

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 dispute.

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 allow the Tenant to stay until 1:00 pm on November 30, 2019 and the landlord is granted an Order of Possession in accordance with date; and,
- The tenant's request for repairs is withdrawn.

These terms comprise the full and final settlement of all aspects of these applications 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 is 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 by 1:00 p.m. on November 30, 2019. The landlords are provided with this Order in the above terms and the tenants must be served with this Order in the event that the tenant does not timely pay the rent in full on the first day of month for the duration of the

tenancy. If the tenant fails to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

Further to the settlement reached by the parties, I dismiss all claims by both parties in this application 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: October 01, 2019

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Residential Tenancy Branch