



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

TT: CNC, LRE, OLC, PSF, RR

TT: CNR, MNDCT, MNRT, OLC, PSF, RP, RR

Introduction

This hearing was convened as a result of the Tenants' Applications for Dispute Resolution (the "Applications"). The Tenants applied for the following relief on September 6, 2019, pursuant to the *Residential Tenancy Act* (the "Act"):

- an order to cancel a One Month Notice for Cause;
- an order restricting the Landlord's right to enter;
- an order that the Landlord comply with the Act;
- an order that the Landlord provide a service; and
- an order for a rent reduction.

The Tenants applied for the following relief on October 16, 2019, pursuant to the *Residential Tenancy Act* (the "Act"):

- an order to cancel a 10 Day Notice for unpaid rent or utilities (the "10 Day Notice") dated October 14, 2019.
- a monetary order for money owed or compensation for damage or loss;
- a monetary order for the cost of
- an order that the Landlord comply with the Act;
- an order that the Landlord provide a service;
- an order for emergency repairs;
- an order for regular repairs; and
- an order granting a rent reduction.

The Tenant, the Landlords, and the Landlords' Agent S.I. attended the hearing at the appointed date and time and provided affirmed testimony.

Preliminary and Procedural Matters

The Residential Tenancy Branch Rules of Procedure permit an Arbitrator the discretion to dismiss unrelated claims with or without leave to reapply. For example, if a party has applied to cancel a notice to end tenancy, or is applying for an order of possession, an Arbitrator may decline to hear other claims that have been included in the application and the Arbitrator may dismiss such matters with or without leave to reapply.

I find that the most important issue to determine is whether or not the tenancy is ending due to a fundamental breach of the tenancy agreement regarding payment of rent.

The Tenants' request for an order restricting the Landlord's right to enter, a monetary order for money owed or compensation for damage or loss, a monetary order for the cost of emergency repairs, an order that the Landlord comply with the Act, an order that the Landlord provide a service, an order for emergency repairs, an order for regular repairs, and an order granting a rent reduction are dismissed with leave to reapply.

The opportunity for settlement was discussed with the parties during the hearing. The parties were advised there is no obligation to resolve the dispute through settlement, but that I could assist the parties to reach an agreement. I indicated on several occasions that if either party did not wish to resolve this matter through a mutually agreed settlement, I was prepared to hear their evidence and make a decision.

Settlement Agreement

During the hearing, the parties agreed to settle this matter, on the following conditions:

1. The parties agree that the tenancy will end on **November 30, 2019 at 1:00 P.M.**
2. The Landlords are granted an order of possession effective **November 30, 2019 at 1:00 P.M.** The Landlords must serve the Tenants with the order of possession.

This settlement agreement was reached in accordance with section 63 of the *Act*.

Conclusion

I order the parties to comply with the terms of their mutually settled agreement described above.

The Landlords have been granted an order of possession effective November 30, 2019 at 1:00 P.M. This order must be served on the Tenants and may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

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: November 15, 2019

Residential Tenancy Branch