



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding 353178 BC LTD.  
and [tenant name suppressed to protect privacy]

## **DECISION**

### Dispute Codes

Tenant: CNC CNR AAT MNDCT PSF RP  
Landlord: OPRM-DR FFL

### Introduction

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

The tenant applied for:

- cancellation of the landlord's One Month Notice to End Tenancy for Cause pursuant to section 47 of the *Act*;
- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent pursuant to section 46 of the *Act*;
- an Order to allow access for the tenant or their guests pursuant to section 30 of the *Act*;
- a Monetary Order for compensation or loss pursuant to section 67 of the *Act*;
- an Order for the landlord to provide services or facilities required by the tenancy agreement or legislation pursuant to section 62 of the *Act*; and
- an Order for the landlord to perform regular repairs pursuant to section 62 of the *Act*.

The landlord applied for:

- an Order of Possession for Unpaid Rent, pursuant to sections 46 and 55 of the *Act*;
- a Monetary Order for unpaid rent pursuant to section 67 of the *Act*; and
- recovery of the filing fee for this application from the tenant pursuant to section 72 of the *Act*.

Both parties attended the hearing and were given a full opportunity to be heard, to present affirmed testimony, and to make submissions. Landlord's agents M.T. and C.M. attended on behalf of the corporate landlord.

As both parties were present, service of documents was confirmed. The landlord's agents confirmed receipt of the tenant's Applications for Dispute Resolution and Amendment. The tenant did not submit any additional evidence in this matter. The tenant confirmed receipt of the

landlord's Application for Dispute Resolution and submitted evidence. Therefore, I find that the documents for this hearing were sufficiently served for the purposes of this hearing in accordance with section 71 of the *Act*.

Issue(s) to be Decided

Should the landlord's notices to end tenancy be cancelled? If not, is the landlord entitled to an Order of Possession?

Is either party entitled to a monetary order for compensation?

Should any orders be issued to the landlord pertaining to access, provision of services, or repairs?

Is the landlord entitled to recover the cost of the filing fee?

Analysis

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 voluntarily agreed to the following final and binding settlement of the issues currently under dispute at this hearing:

1. This tenancy will end by no later than 1:00 p.m. on February 15, 2020, by which time the tenant and any other occupants will return vacant possession of the rental unit to the landlord.
2. The tenant will make payment to the landlord of \$1,866.00 for December 2019 and January 2020 rent by money order deposited in the rental office mail slot by no later than 5:00 p.m. on January 6, 2020.
3. The landlord will retain the tenant's security deposit of \$425.00 as payment of rent up from February 1 to 15, 2020.
4. The tenant may provide the landlord with short notice of 48 hours to end the tenancy early if he is able to find accommodation that becomes available prior to the agreed upon tenancy end date of February 15, 2020. In this event, the landlord will return to the tenant a pro-rated amount of rent for the days remaining in the month, calculated at a daily rate of \$30.10 (\$933.00 / 31 days) for the month of January 2020 and a daily rate of \$28.33 (\$425.00 / 15 days) for the first 15 days of the month of February 2020.
5. Both parties agreed that the terms of this settlement as outlined above constitute a final and binding resolution of the tenant's application for dispute resolution filed on November 13, 2019 and the landlord's application for dispute resolution filed on December 9, 2019. As such, the tenant's application is dismissed in its entirety, the

landlord's application is dismissed in its entirety, and the landlord's notices to end tenancy are cancelled and of no further force or effect.

The parties are still bound by all of the rights, responsibilities, terms, conditions and any statutory compensation provisions of the tenancy agreement, the *Act*, and the associated regulations.

### Conclusion

To give effect to the settlement reached between the parties and as advised to both parties during the hearing, I issue the following Orders to the landlord:

- 1) I issue to the landlord an Order of Possession to be served on the tenant as soon as possible. The landlord may only enforce the Order if the tenant fails to vacate the rental unit **by 1:00 p.m. on February 15, 2020**. Should the tenant or anyone on the premises fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.
- 2) I issue to the landlord the attached Monetary Order dated **January 6, 2020**, to be served on the tenant by the landlord **only** if the tenant fails to make the agreed upon payment as required by the terms of this settlement agreement. Should the tenant fail to comply with this Order, this Order may be filed in the Small Claims Division of the Provincial Court and be enforced as an Order of that Court. If the tenant only makes a partial payment and not the total amount, this partial payment must be accounted for if the landlord is enforcing the Monetary Order.

The landlord's notices to end tenancy are cancelled and of no force or effect.

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: January 02, 2020

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Residential Tenancy Branch