



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL-4M, FFT, RR, CNL, RP

Introduction

This hearing convened as a result of the Tenants' Application for Dispute Resolution wherein the Tenants requested the following relief:

- an Order cancelling a 4 Month Notice to End Tenancy for Demolition, Renovation, Repair or Conversion of Rental Unit issued on January 31, 2020 (the "4 Month Notice");
- an Order canceling a 2 Month Notice to End Tenancy for Landlord's Use issued on March 20, 2020 (the "2 Month Notice");
- an Order pursuant to section 32 of the *Act* that the Landlord make repairs to the rental unit;
- an Order pursuant to section 65(1)(b) of the *Act* that the Tenants be permitted to reduce their monthly rent by an amount expended on maintenance or a repair, or on a service or facility;
- and to recover the filing fee.

The hearing of the Tenants' Application was scheduled for teleconference at 11:00 a.m. on April 24, 2020. Both parties called into the hearing. The hearing process was explained, and the participants were asked if they had any questions. Both parties were provided the opportunity to present their evidence orally and in written and documentary form and make submissions to me.

Preliminary Matters—Matters to be Decided

At the outset of the hearing the Landlords confirmed they had withdrawn the 4 Month Notice prior to the hearing as there were errors on the notice. They confirmed they intended to use the rental unit as an office for their growing business such that they issued the 2 Month Notice.

Hearings before the Residential Tenancy Branch are governed by the *Residential Tenancy Branch Rules of Procedure*. At all times an Arbitrator is guided by Rule 1.1 which provides that Arbitrators must ensure a fair, efficient and consistent process for resolving disputes for landlords and tenants.

Residential Tenancy Branch Rule of Procedure 2.3 provides that claims made in an Application for Dispute Resolution must be related to each other. Arbitrators may use their discretion to dismiss unrelated claims with or without leave to reapply.

Hearings before the Residential Tenancy Branch are scheduled on a priority basis. Time sensitive matters such as a tenant's request for emergency repairs or the validity of a notice to end tenancy are given priority over monetary claims.

As discussed during the hearing, it was my determination that the priority claim before me is the validity of the 2 Month Notice. I also found that this claim was not sufficiently related to the Tenants request for an Order pursuant to section 32 of the *Act* that the Landlord make repairs to the rental unit and, an Order pursuant to section 65(1)(b) of the *Act* that the Tenants be permitted to reduce their monthly rent by an amount expended on maintenance or a repair, or on a service or facility. As such, I exercised my discretion and dismissed, with leave to reapply, these two claims.

Settlement and Conclusion

During the hearing the parties resolved some of the matters raised in the Tenants' Application by mutual agreement. The terms of their agreement are recorded in this my Decision and Order pursuant to section 63 of the *Residential Tenancy Act* and Rule 8.4 of the *Residential Tenancy Branch Rules of Procedure*. As the parties resolved matters by agreement I make no findings of fact or law with respect to their relative claims.

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 full and final settlement of this matter.

The terms of their settlement follow.

Settlement and Conclusion

1. The 4 Month Notice and the 2 Month Notice are withdrawn. The tenancy shall continue until ended in accordance with the *Residential Tenancy Act*.
2. The Tenants are entitled to recover \$50.00 of the filing fee paid and may reduce their next month's rent by \$50.00.

The following requests are dismissed with leave to reapply:

1. the Tenants' request for an Order pursuant to section 32 of the *Act* that the Landlord make repairs to the rental unit; and,
2. an Order pursuant to section 65(1)(b) of the *Act* that the Tenants be permitted to reduce their monthly rent by an amount expended on maintenance or a repair, or on a service or facility.

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: April 24, 2020

Residential Tenancy Branch