



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      LAT, CNC, FFT

### Introduction

Pursuant to section 58 of the *Residential Tenancy Act* (the *Act*), I was designated to hear an application regarding the above-noted tenancy. The tenant applied for:

- cancellation of One Month Notice to End Tenancy for Cause (the Notice), pursuant to section 47 of the Act;
- an order of authorization for a lock change by the tenant, pursuant to sections 31 and 70 of the Act;
- an authorization to recover the filing fee for this application, pursuant to section 72 of the Act.

The tenant and the landlords attended the hearing and had a full opportunity to provide affirmed testimony, present evidence, cross examine the other party, and make submissions.

### Preliminary Issue – Severance

Residential Tenancy Branch Rule of Procedure 2.3 states 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.

It is my determination that the priority claim regarding the one month notice to end tenancy for cause and the continuation of this tenancy is not sufficiently related to the application for an order of authorization for a lock change by the tenant to warrant that they be heard together.

I exercise my discretion to dismiss the application for an order of authorization for a lock change by the tenant with leave to reapply.

### Settlement

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, engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute regarding this application only.

Both parties agreed to the following final and binding settlement of issues listed and not severed in this application for dispute resolution:

1. The Notice dated July 04, 2020 is cancelled. The periodic tenancy will continue until ended in accordance with the Act;
2. The tenant will only smoke, including marijuana, in the alley behind the rental unit's backyard.
3. If the tenant smokes inside or by the rental unit the landlords can serve a one month notice to end tenancy for cause.
4. The parties will try their best to engage in social distancing and will be respectful with each other.

### Conclusion

As the parties have reached a settlement, I make no findings about the merits of this application.

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: August 12, 2020

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Residential Tenancy Branch