



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ERP, 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:

- an order for emergency repairs, pursuant to section 33 of the *Act*; and
- an authorization to recover the filing fee for this application, pursuant to section 72 of the *Act*.

Both parties attended the hearing. The landlord was assisted by advocate SG. All were given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

Preliminary Issue – crossing applications

The tenant applied for an order to cancel a one month notice to end tenancy for cause served on August 24, 2020. The tenant also applied for an order to cancel a 10 day notice to end tenancy for unpaid rent served on September 05, 2020. The landlord applied for an order of possession for unpaid rent and a monetary order based on the September 05, 2020 10 day notice to end tenancy for unpaid rent.

I find the three above referenced matters are related and must be heard together. Pursuant to Rule of Procedure 2.14 I cross this application with the tenant's and the landlord's applications above referenced.

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 all issues listed in the four crossed applications for dispute resolution:

this applications for dispute resolution:

- The tenant agrees to provide the landlord with vacant possession of the subject rental property by 1:00 P.M. on October 09, 2020.
- The landlord will pay the tenant \$1,175.00 on the move-out date.

Conclusion

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

To give effect to the settlement reached between the parties and as discussed with them during the hearing, pursuant to section 63(2) of the Act, I issue an order of possession to the landlord, which is to take effect by 1:00 P.M. on October 09, 2020. The landlord is provided with this order in the above terms and must serve it on the tenant as soon as possible in accordance with the Act. 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.

The hearings scheduled in the crossed applications are cancelled.

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: September 28, 2020

Residential Tenancy Branch