



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **CNC, OLC, MNDCT, FFT**

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- An order to cancel a One Month Notice To End Tenancy for Cause pursuant to sections 47 and 55;
- An order for the landlord to comply with the Act, Regulations and/or tenancy agreement pursuant to section 62;
- A monetary order for damages or compensation pursuant to section 67; and
- Authorization to recover the filing fee for this application from the landlord pursuant to section 72.

The landlord attended the hearing and the tenant attended the hearing with an agent, JE. As both parties were present, service of documents was confirmed. The landlord acknowledged service of the tenant's Application for Dispute Resolution and the tenant acknowledged service of the landlord's evidence package. Neither party expressed any issues with timely service of documents and both parties were prepared to have the merits of the application heard.

Preliminary Issue

Rule of Procedure 6.2 allows an arbitrator to decline to hear or dismiss unrelated issues. I determined the tenant's application to cancel the landlord's One Month Notice to End Tenancy ("Notice") and her application for an order that the landlord comply with the Act were sufficiently related. Those issues would be determined at this hearing. The tenant's third issue of seeking a monetary order for compensation was not sufficiently related to the first two and that issue was dismissed with leave to reapply.

Settlement Reached

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

1. The tenant's guest will vacate the rental unit by January 31, 2021 at the very latest.
2. The tenant agrees that no pets will occupy the rental unit beyond January 31, 2021.
3. The rights and obligations of the parties as set out in the tenancy agreement continue until the tenancy ends.
4. The notice to end tenancy issued on September 11, 2020 is cancelled and of no further force or effect.

Both parties testified at the hearing that they understood and agreed to the above terms, free of any duress or coercion. Both parties testified that they understood and agreed that the above terms are legal, final, binding and enforceable, which settle all aspects of this dispute.

The decision to order payment of the filing fee is discretionary upon the arbitrator and in accordance with section 72 of the *Act*, the filing fee will not be recovered.

Conclusion

The tenant's application is settled in the above terms.

The tenant's application for a monetary order pursuant to section 67 of the *Act* is dismissed with leave to reapply.

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 16, 2020

Residential Tenancy Branch