



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      LRE, LAT, OLC, DRI, MNDCT, 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 tenants applied for:

- an order to restrict or suspend the landlord's right of entry, pursuant to section 70;
- an order of authorization to change the lock, pursuant to sections 31 and 70;
- an order for the landlord to comply with the Act, the Residential Tenancy Regulation (the Regulation) and/or tenancy agreement, pursuant to section 62;
- an order to dispute a rental increase, pursuant to section 43;
- a monetary order for compensation for damage or loss under the Act, the Regulation or tenancy agreement, pursuant to section 67; and
- an authorization to recover the filing fee for this application, under section 72.

Both parties attended the hearing. All were given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

At the outset of the hearing the attending parties affirmed they understand it is prohibited to record this hearing.

### 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 order to restrict or suspend the landlords' right of entry is not sufficiently related to the other claims submitted by the tenants to warrant that they be heard together.

I exercise my discretion to dismiss with leave to reapply all the tenants' claims but the claim for an order to restrict or suspend the landlords' right of entry.

### 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 the issue not severed in this application for dispute resolution:

1. The tenants will move out on July 23, 2021 and the move-out inspection will happen on that date.
2. The landlords are authorized to enter the rental unit once between June 07 and 11, 2021 to conduct an inspection.
3. The landlords are authorized to have one person with them during the June inspection and the move-out inspection.
4. A 24-hour inspection notice will be attached to the tenants' front door. This notice is deemed served three days after it is attached to the tenants' front door.
5. Both parties will be respectful to each other.

#### 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 landlords, which is to take effect by 1:00 P.M. on July 23, 2021. The landlords are provided with this order in the above terms and must serve it on the tenants in accordance with the Act. If the tenants fail to comply with this Order, this order may be filed and enforced as an order of the Supreme Court of British Columbia.

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: June 02, 2021

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Residential Tenancy Branch