



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding PINE BLUFF HOLDINGS LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR-DR

Introduction

On May 14, 2021 a hearing was conducted via the direct request process (ex parte proceeding) between these two parties. The landlords served the tenant by posting a copy of the Notice of Dispute Resolution Proceeding and supporting documents on the Tenant's door on April 30, 2021 seeking an order of possession for unpaid rent. The landlord was granted an order of possession. The tenant applied for a review of this decision on May 20, 2021 and was granted an order suspending the original decision and order pending a review hearing for the landlord's application.

This is a review hearing granted for the landlords' application pursuant to the *Residential Tenancy Act* (the Act) for:

- an order of possession for unpaid rent pursuant to section 55.

Both parties attended the hearing via conference call and provided affirmed testimony.

Both parties were advised that the conference call hearing was scheduled for 60 minutes and pursuant to the Rules of Procedure, Rule 6.11 Recordings Prohibited that recording of this call is prohibited.

Both parties confirmed the tenant served the landlord with the notice of a review hearing package in person on May 25, 2021.

At the outset discussions took place with both parties in which the circumstances were discussed.

Section 63 of the Residential Tenancy Act provides that the parties may attempt to settle their dispute during a hearing. Pursuant to this provision, discussion between the two parties during the hearing led to a resolution. Specifically, it was agreed as follows:

The landlord agreed to cancel the 10 Day Notice dated April 2, 2021.

The landlord agreed to withdraw the Application for Dispute.

Both parties agreed that the tenancy shall continue. Both parties agreed that moving forward in this landlord/tenant relationship will require better communication by both parties.

Both parties agreed that the above noted particulars comprised a full and final settlement of all aspects of the dispute arising from this application for dispute resolution.

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.

At the conclusion of the hearing the tenant's advocate stated that the tenant had filed an application for dispute (File No. noted on the cover of this Decision) of the 10 Day Notice dated April 2, 2021 and more time to be allowed to make that application and recovery of the filing fee (CNR-MT, FFT) which was scheduled for September 23, 2021 at 9:30am. The tenant stated that they were not notified of this hearing date despite filing the application. Both parties confirmed the landlord was not served with the associated notice of dispute resolution hearing package. Both parties agreed that there was no longer a need for that hearing time. As such, both parties were advised that the tenant's application would be cancelled and neither party needed to attend. No further action is required for the tenant's 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: September 20, 2021

Residential Tenancy Branch