



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, MNRL-S, MNDCL-S, FFL

Introduction

This Review Hearing was convened by way of conference call concerning an application made by the landlord seeking an Order of Possession for cause; a monetary order for unpaid rent or utilities; a monetary order for money owed or compensation for damage or loss under the *Residential Tenancy Act*, regulation or tenancy agreement; an order permitting the landlord to keep all or part of the pet damage deposit or security deposit; and to recover the filing fee from the tenant for the cost of the application.

A hearing was held on October 1, 2020, and a Decision and order were provided to the parties on that date. The resulting Decision indicates that the tenant moved out of the rental unit prior to the hearing, and the landlord's monetary claims were heard in the absence of the tenant.

The tenant was successful in obtaining this Review Hearing. The parties attended the Review Hearing on October 8, 2021 and the tenant was assisted by an Advocate. However the hearing did not conclude within the time allotted, and I adjourned the Review Hearing to today to continue.

The parties attended again today and the tenant was assisted by an Advocate. During the course of the hearing continuation, the tenant's Advocate submitted that another hearing is scheduled for September 20, 2022 at 1:30 p.m. concerning a monetary claim made by the tenant. The landlord also submitted that the monetary order dated October 1, 2020 was filed in the Provincial Court of British Columbia, Small Claims division for enforcement. The landlord attended a Payment Hearing, but the tenant did not attend and an Arrest Warrant was issued and remains outstanding.

During this Review Hearing, the parties agreed to settle this claim and the claim of the tenant which is scheduled for September 20, 2022. Both parties withdraw their respective claims. The parties also agreed that this settlement is made in full satisfaction of any and all claims between the parties with respect to this tenancy.

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 these matters.

In consideration of the settlement between the parties, I cancel the hearing scheduled for September 20, 2022.

The *Residential Tenancy Act* states that following a Review Hearing I may confirm, vary or set aside the original Decision and Order(s). Since the parties have settled, I set aside the original Decision and Order, made on October 1, 2020. The landlord's application is dismissed as withdrawn, and the tenant's application scheduled for September 20, 2022 is dismissed as withdrawn.

Conclusion

For the reasons set out above, I hereby set aside the Decision and order made on October 1, 2020.

By consent, the landlord's application is hereby dismissed without leave to reapply, as withdrawn.

By consent, the tenant's application scheduled for hearing on September 20, 2022 at 1:30 p.m. is hereby dismissed without leave to reapply, as withdrawn, and the hearing is 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: February 15, 2022

Residential Tenancy Branch