



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes**      **CNC, RP, RR**

### **Introduction**

This hearing was convened as a result of the Tenant's Application for Dispute Resolution under the *Residential Tenancy Act* ("Act"). The Tenant applied for:

- an order cancelling a One Month Notice for Cause dated, December 17, 2022 ("1 Month Notice") pursuant to section 47; and
- an order requiring the Landlord to complete repairs to the rental unit pursuant to section 32; and
- an order to allow the Tenant to reduce rent for repairs, services or facilities agreed upon but not provided by the Landlord pursuant to section 65.

An agent for the Landlord ("PR"), the Tenant and an advocate for the Tenant ("NA") attended the hearing and were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

NA stated the Tenant served the Notice of Dispute Resolution Proceeding and Tenant's evidence ("NDRP Package") on the Landlord by registered mail on December 29, 2022. NK submitted the Canada Post tracking number for service of the NDRP Package on the Landlord. I find the Tenant served the NDRP Package on the Landlord in accordance with the requirements of sections 88 and 89 of the Act.

### **Preliminary Matter – Correction of Rental Address**

I noted that the street name of the rental address was not complete. PR referred to the 1 Month Notice that had the complete street address of the rental unit. PR requested an amendment to the Tenant's application to add "Avenue" to the rental address.

Rule 4.2 of the *Residential Tenancy Branch Rules of Procedure* states (“RoP”):

#### **4.2 Amending an application at the hearing**

In circumstances that can reasonably be anticipated, such as when the amount of rent owing has increased since the time the Application for Dispute Resolution was made, the application may be amended at the hearing.

If an amendment to an application is sought at a hearing, an Amendment to an Application for Dispute Resolution need not be submitted or served.

As RR’s request could reasonably be anticipated by the Tenant, I amended the Tenant’s application to add “Avenue” to the rental address in the Tenant’s application.

#### **Settlement**

Pursuant to section 63 of the Act, an 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.

The parties agreed to the following final and binding settlement of all issues currently under dispute:

1. The Landlord agrees to cancel the 1 Month Notice;
2. The Tenant agrees to withdraw his application;
3. The Tenant must vacate the rental unit not later than 1:00 pm on April 30, 2022;  
and
4. The Tenant must pay the rent for April 30, 2022.

These particulars comprise the full and final settlement of all aspects of the Tenant’s dispute against the Landlord. The parties gave verbal affirmation at the hearing that they understood and agreed to the above terms as legal, final, and binding, which settle all aspects of claims made in the Tenant’s application.

Conclusion

As the parties have reached a full and final settlement of all the claims set out in the Tenant's application, I make no factual findings about the merits of his 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: March 31, 2022

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Residential Tenancy Branch