



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **CNR, OLC, LRE**

Introduction

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

- cancellation of a 10 Day Notice to End Tenancy for Unpaid Rent and/or Utilities dated December 21, 2021 ("10 Day Notice") pursuant to section 46;
- an order for the Landlord to comply with the Act, *Residential Tenancy Regulations* and/or the tenancy agreement pursuant to section 62; and
- an order suspending or setting conditions on the Landlord's right to enter the rental unit pursuant to section 70.

The original hearing of this application was held on March 31, 2022 ("Original Hearing"). Neither the Tenant nor the Landlord appeared at the Original Hearing held on March 31, 2022. A person purporting to act on behalf of the Tenant attended the Original Hearing and a person purporting to act on behalf of the Landlord attended the Original Hearing. However, neither the Tenant nor the Landlord submitted to the Residential Tenancy Branch ("RTB") authorizations for either of those persons to act on the Tenant or Landlord respectively. As a result, I adjourned the hearing and issued a decision dated March 22, 2022 ("Interim Decision") pursuant to Rule 7.8 of the *Residential Tenancy Branch Rules of Procedure* ("RoP"). My interim decision directed the parties to attend the hearing in person or alternatively, if they were unable to attend, submit an authorization appointing a person to act on their behalf. The Interim Decision and Notices of Dispute Resolution Proceeding for this adjourned hearing were served on the parties by the RTB.

The Tenant and an agent ("SM") attended this hearing and were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

Settlement Agreement

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 the Tenant's Application;
3. The Tenant agrees to vacate the rental unit by 1:00 pm on May 1, 2022;
4. The Tenant agrees to pay \$5,700.00 for the rental arrears for December 2021 and January 2022; and
5. The Landlord may seek unpaid rent or compensation for use and occupation of the rental unit from the Tenant that become payable for February 2022 onwards.

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 made in the Tenant's Application, I make no factual findings about the merits of the Tenant's Application.

I hereby order the 10 Day Notice to be cancelled and of no force or effect.

To give effect to the settlement reached between the parties, and as discussed at the hearing, I grant the Landlord:

1. an Order of Possession effective at 1:00 pm on May 1, 2022. Should the Tenant fail to comply with this Order, this Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court; and

2. a Monetary Order for \$5,700.00. This Order may be filed and enforced in the Small Claims Division of the Provincial Court of British Columbia.

The Landlord is provided with the Orders in the above terms and the Tenant must be served with these Orders as soon as possible.

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: April 7, 2022

Residential Tenancy Branch