



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **CNR, FFT**

Introduction

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

1. Cancellation of the Landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the "10 Day Notice") pursuant to Sections 46(1) and 62 of the Act; and,
2. Recovery of the application filing fee pursuant to Section 72 of the Act.

The hearing was conducted via teleconference. The Respondent's Agent, RB, and the Applicant's Legal Counsel, TJ, attended the hearing at the appointed date and time. Both parties were each given a full opportunity to be heard, to present testimony, to call witnesses, and make submissions.

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.

The Parties brought up that they had reached a mutual agreement on this matter. The Parties agreed to settle this matter as follows:

1. The Parties agreed that the director does not have jurisdiction to decide this matter; and,
2. This term comprises the full and final settlement of all aspects of this dispute for both Parties.

Both Parties testified at the hearing that they confirm the accuracy of the final terms above, and that they understood and agreed to these terms, free of any duress or coercion. Both Parties testified that they understood and agreed that the above terms are legal, final, binding and enforceable, which settle all aspects of this dispute.

Conclusion

Given the mutual agreement reached between the Parties prior to the hearing, I find that the director does not have jurisdiction in this matter.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: May 19, 2022

Residential Tenancy Branch