



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding PEMBERTON HOLMES LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes Tenant: CNC OLC MNDC
Landlord: OPC FF

Introduction

This hearing dealt with cross Applications for Dispute Resolution filed by the parties. The participatory hearing was held, via teleconference, on June 20, 2022.

Both parties attended the hearing and provided affirmed testimony.

Both parties were provided the opportunity to present evidence orally and in written and documentary form, and to make submissions to me. I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Preliminary and Procedural Matters

Both parties applied for multiple remedies under the *Residential Tenancy Act* (the “Act”), some of which were not sufficiently related to one another.

Section 2.3 of the Rules of Procedure states that claims made in an Application must be related to each other and that arbitrators may use their discretion to dismiss unrelated claims with or without leave to reapply.

After looking at the list of issues before me at the start of the hearing, I determined that the most pressing and related issues before me deal with whether or not the tenancy is ending. As a result, I exercised my discretion to dismiss, with leave to reapply, all of the grounds on both applications with the exception of the following ground:

- to cancel a 1 Month Notice to End Tenancy for Cause (the “Notice”).

Further, since the Landlord's application for an order of possession based on this Notice is related, it will also be considered in this decision.

At the end of the hearing, I confirmed, several times, the terms of the settlement agreement, and what it means for each party. Both parties confirmed they agreed to the full and final settlement of the issues surrounding the 1-Month Notice. After confirming that both parties agreed to the terms, I began fielding questions about the Tenant's other application. Subsequently, after giving some general information about the Tenant's other application, she and her daughter suddenly disconnected. However, since the parties had already agreed to the terms of the settlement (below), I did not continue the hearing (other than waiting around a minute in case the Tenant wished to reconnect). I do not find the Tenant's sudden disconnection from the hearing impacts the agreement that they had already reached and confirmed.

Settlement Agreement

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.

Given the agreement reached between the parties during the proceedings, I find that the parties have settled their dispute and the following records this settlement as a decision and an Order:

Both parties agree that:

- The Tenant will move out of the rental unit by **August 31, 2022, at 1pm**.
- The Notice, issued on March 2, 2022, is cancelled by mutual consent, and the parties mutually agree to end the tenancy by way of this settlement agreement.

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.

To give effect to the settlement reached by the parties, I also grant the Landlord an Order of Possession effective August 31, 2022, at 1pm to reflect the end of tenancy.

Conclusion

In support of the agreement described above, the landlord is granted an order of possession effective August 31, 2022, at 1pm and after service on the tenant. The Landlord may serve and enforce this Order if the Tenant fails to move out as specified above.

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: June 20, 2022

Residential Tenancy Branch