



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **CNC-MT, MNDCT, RR, PSF**

Introduction

This hearing was convened by way of conference call in response to the Tenant's application for dispute resolution ("Application") under the *Residential Tenancy Act* (the "Act") in which the Tenant seeks:

- an order for more time to make the Application to cancel the Landlord's One Month Notice to End Tenancy for cause dated March 2, 2022 ("1 Month Notice") pursuant to section 66;
- if more time to make the Application to cancel the 1 Month Notice is granted, then an Order for cancellation of the 1 Month Notice pursuant to section 47;
- 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 order for the Landlord to provide services or facilities required by the tenancy agreement or law pursuant to section 65; and
- a monetary order for compensation pursuant to section 67.

The Tenant stated she served the Notice of Dispute Resolution Proceeding and her evidence ("NDRP Package") on the Landlord. The Landlord acknowledged receipt of the NDRP Package. I find the NDRP Package was served by the Tenant on the Landlord in accordance with sections 88 and 89 of the Act.

The Landlord stated he served evidence on the Tenant. The Tenant acknowledged she received the Landlord's evidence. I find the Landlord's evidence was served on the Tenant in accordance with section 88 of the Act.

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 cancellation of the 1 Month Notice;
2. The agrees to vacate the rental unit not later than 1:00 pm on September 30, 2022;
3. The Tenant may end the tenancy before September 30, 2022, by serving the Landlord with a written notice pursuant to section 45(1) of the Act and serving it on the Landlord pursuant to section 88 of the Act;
4. The Tenant will pay the Landlord the rent in full when due until the tenancy ends pursuant to the terms of this settlement; and
5. This settlement does not affect the Tenant's right to seek monetary compensation from the Landlord in respect of any breach of the tenancy agreement, the Act or the *Residential Tenancy Regulation*.

Except any monetary claims for compensation the Tenant may have against the Landlord, 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 the claims made in the Application other than for any monetary claims the Tenant may have against the Landlord.

Conclusion

As the parties have reached a full and final settlement of all the claims set out in the Application, other than for any monetary claims for compensation the Tenant may have against the Landlord, I make no factual findings about the merits of the Application.

I hereby order the 1 Month Notice to End Tenancy 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 an Order of Possession effective at 1:00 pm on September 30, 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.

The Landlord is provided with this Order of Possession in the above terms and the Tenant must be served with this Order of Possession 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: July 3, 2022

Residential Tenancy Branch