



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, RP, RR, LRE, PSF, FFT

Introduction

This hearing was convened by way of conference call concerning an application made by the tenant seeking the following relief:

- an order cancelling a notice to end the tenancy for landlord's use of property;
- an order that the landlord make repairs to the rental unit or property;
- an order reducing rent for repairs, services or facilities agreed upon but not provided;
- an order limiting or setting conditions on the landlord's right to enter the rental unit;
- an order that the landlord provide services or facilities required by the tenancy agreement or the law; and
- to recover the filing fee from the landlord for the cost of the application.

The tenant and the landlord attended the hearing, and the landlord was accompanied by his daughter to translate.

During the course of the hearing the parties agreed to settle this dispute in the following terms:

1. the tenancy will end on October 31, 2022;
2. the tenant will not be required to pay rent for October, 2022;
3. the tenant will have a monetary order in the amount of \$80.00 for missing work and gas money to attend at the rental unit to let the landlord in.

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.

As a result of the settlement, I grant a monetary order in favour of the tenant as against the landlord in the amount of \$80.00. The tenant must serve the order upon the landlord. If the landlord does not pay that amount to the tenant within a reasonable time, the tenant may file the order for enforcement in the Provincial Court of British Columbia, Small Claims division as a judgment.

Since neither party has provided a copy of a notice to end the tenancy, I decline to grant an Order of Possession in favour of the landlord. If the tenant fails to move out of the rental unit by October 31, 2022 the landlord will be at liberty to apply for an Order of Possession.

Since the parties have settled this dispute, I decline to order that the tenant recover the filing fee from the landlord.

The balance of the tenant's application is dismissed without leave to reapply.

Conclusion

For the reasons set out above, I hereby order that the tenancy will end on October 31, 2022 at 1:00 p.m., and the landlord is at liberty to apply for an Order of Possession.

The tenant will not be required to pay any rent for the month of October, 2022 as compensation required by the law.

I hereby grant a monetary order in favour of the tenant as against the landlord pursuant to Section 67 of the *Residential Tenancy Act* in the amount of \$80.00.

The tenant's application for an order that the landlord make repairs to the rental unit or property is hereby dismissed without leave to reapply.

The tenant's application for an order limiting or setting conditions on the landlord's right to enter the rental unit is hereby dismissed without leave to reapply.

The tenant's application for an order that the landlord provide services or facilities required by the tenancy agreement or the law is hereby dismissed without leave to reapply.

The tenant's application for recovery of the filing fee is hereby dismissed without leave to reapply.

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: September 27, 2022

Residential Tenancy Branch