



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR-MT, CNC-MT, OLC, FFT
OPR-DR, MNR-DR

Introduction

This hearing convened as a result of cross applications. In the Tenant's Application, filed on September 27, 2022, the Tenant sought the following relief:

- to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities;
- to cancel a 1 Month Notice to End Tenancy for Cause;
- more time to apply to cancel both the 10 Day Notice and the 1 Month Notice;
- an order that the Landlord comply with the *Residential Tenancy Act*, the *Residential Tenancy Regulation*, and/or the residential tenancy agreement; and
- recovery of the filing fee

In the Landlord's Application, filed on October 3, 2022, the Landlord sought an Order of Possession and monetary compensation based on the 10 Day Notice.

The hearing of the parties' applications was scheduled for 11:00 a.m. on September 27, 2022. Both parties called into the hearing. The Tenant was assisted by his mother, B.D. The Landlord was assisted by his son S.S. The hearing process was explained, and the participants were asked if they had any questions. Both parties were provided the opportunity to present their evidence orally and in written and documentary form and make submissions to me.

Settlement and Conclusion

During the hearing the parties reached a comprehensive settlement. Pursuant to section 63 of the *Residential Tenancy Act* (the "Act"), I record their agreement in this my

Decision and resulting Orders. As the parties resolved matters by agreement, I make no findings of fact or law with respect to their relative claims.

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. The terms of the settlement are as follows.

1. The Tenant will vacate the rental unit by no later than **1:00 p.m. on January 31, 2023.**
2. The Landlord is entitled to an Order of Possession effective **1:00 p.m. on January 31, 2023.** This order may be filed in the Supreme Court and enforced as an order of that Court.
3. The Tenant shall pay to the Landlord the amount of \$4,950.00 representing unpaid rent for September, October and November 2022.
4. The Landlord is entitled to an order under section 67 for \$4,950.00. This Order may be filed in the Provincial Court (Small Claims) and enforced as an Order of that Court.
5. Both parties are at liberty to reapply for further monetary compensation from the other.

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: November 28, 2022

Residential Tenancy Branch