



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

SETTLEMENT DECISION

Dispute Codes Tenant: CNC, MNDCT, PSF, OLC, FFT
Landlord: OPC, FFT

Introduction

This was a cross application hearing that dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an Order of Possession for cause, pursuant to sections 47 and 55; and
- authorization to recover the filing fee from the tenant, pursuant to section 72.

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

- cancellation of the One Month Notice to End Tenancy, pursuant to section 47;
- a Monetary Order for damage or compensation under the *Act*, pursuant to section 67;
- an Order to provide services or facilities required by the tenancy agreement or law, pursuant to section 62;
- an Order for the landlord to comply with the *Act*, regulation, and/or the tenancy agreement, pursuant to section 62; and
- authorization to recover the filing fee for this application from the landlord, pursuant to section 72.

The landlord, co-owner J.D., the tenant and the tenant's counsellor attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses. The landlord was represented by an articulated student who was provided with a full opportunity to make submissions, present evidence and call witnesses.

Both parties were advised that Rule 6.11 of the Residential Tenancy Branch Rules of Procedure prohibits the recording of dispute resolution hearings. Both parties testified that they are not recording this dispute resolution hearing.

Both parties confirmed their email addresses for service of this Settlement Decision.

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. 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.

Both parties agreed to the following final and binding settlement of all issues currently under dispute:

1. The landlord agrees to cancel the One Month Notice to End Tenancy for Cause dated October 4, 2022.
2. The tenant agrees to vacate the subject rental property by 1:00 p.m. on May 31, 2023.
3. The tenant agrees to pay rent on time, on or before the first day of each month.
4. The tenant agrees not to pursue the monetary claim made in the tenant's application for dispute resolution.
5. The landlord agrees to hire an arborist before February 28, 2023 to address dangerous trees.
6. The tenant agrees to move vehicles on the property as necessary to accommodate any tree falling necessary.
7. The landlord and the tenant agree to meet at the subject rental property on February 13, 2023 to complete an inspection.
8. The tenant agrees not to park on or drive over the septic system.

These particulars comprise the full and final settlement of all aspects of this dispute for both parties. Both 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 this dispute.

Conclusion

To give effect to the settlement reached between the parties and as discussed with them during the hearing, I issue the attached Order of Possession effective at **1:00 p.m. on May 31, 2023**, to be used by the landlord **only** if the tenant does not vacate the subject rental property as agreed in term 2 of the settlement agreement. The Order of Possession should be served on the tenant.

Should the tenant fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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: January 10, 2023

Residential Tenancy Branch