



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNC, OLC, RP

Introduction

This hearing dealt with an application by the tenant for an order to set aside a notice to end tenancy for cause. The tenant also applied for an order directing the landlord to comply with the *Act* and carry out repairs.

Both parties attended the hearing and had opportunity to be heard.

Issue to be Decided

Does the landlord have grounds to end this tenancy? Is the tenant entitled to the recovery of the filing fee?

Background and Evidence

The tenancy began on June 15, 2022. On September 07, 2022, the landlord served the tenant with a ten-day notice to end tenancy for cause with an effective date of September 17, 2022.

During the hearing, the parties engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

Analysis

Pursuant to Section 63 of the *Residential Tenancy Act*, the Arbitrator may assist the parties 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 this hearing, the parties reached an agreement to settle their dispute. Both parties agreed to the following terms:

1. The tenant agreed to move out by 1:00p.m. on February 15, 2023.
2. The landlord agreed to allow the tenancy to continue till 1:00 p.m. on February 15, 2023.
3. The landlord will be issued an order of possession effective this date.
4. The tenant agreed to allow the landlord to show the rental unit to prospective renters by providing him with at least 24 hours notice.
5. The tenant agreed to pay rent, in the amount of \$880.00, on February 01, 2023
6. The tenant agreed that he owed the landlord rent for three months. After deducting a credit of \$145.00, the tenant agreed that he owed the landlord \$5,135.00 in outstanding rent.
7. The tenant agreed to pay the landlord this amount in installments of \$300.00 every two weeks, starting March 01, 2023.
8. The tenant agreed to continue making payments of \$300.00 every two weeks until the debt is fully satisfied.
9. The landlord agreed to accept payment of the outstanding rent, in installments of \$300.00 every two weeks, starting March 01, 2023.
10. A monetary order in the amount of \$5,135.00 will be granted to the landlord.
11. Both parties stated that they understood and agreed that these particulars comprise the full and final settlement of all aspects of this dispute for both parties.
12. The parties agreed to exercise any additional goodwill and spirit of cooperation necessary in regard to the above undertakings, which might be required to achieve a positive end to this landlord – tenant relationship.

Pursuant to the above agreement, I grant the landlord an order of possession effective by 1:00p.m. on February 15, 2023. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

I grant the landlord a monetary order under section 67 of the *Residential Tenancy Act* for the amount of **\$5,135.00**. This order may be filed in the Small Claims Court and enforced as an order of that Court.

The tenant and the landlord have reached a settled agreement, as recorded above. This settlement agreement was reached in accordance with section 63 of the *Residential Tenancy Act*. The parties are bound by the terms of this agreement, as well as by the terms of their tenancy agreement and the Act.

Should either party violate the terms of this settled agreement, the tenancy agreement or the Act, it is open to the other party to take steps under the Act to seek remedy.

Conclusion

I grant the landlord an order of possession effective by **1:00p.m. on February 15, 2023**.

I grant the landlord a monetary order in the amount of **\$5,135.00**.

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 27, 2023

Residential Tenancy Branch