



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding PATTONY INVESTMENTS COMPANY
LIMITED and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, MNDCT, LRE, LAT, OLC, FFT

Introduction

This hearing was convened as a result of the Tenants' Application for Dispute Resolution. The Tenants applied for multiple remedies, pursuant to the *Residential Tenancy Act* (the "Act").

Both sides attended the hearing and provided affirmed testimony. All parties were provided the opportunity to present evidence orally and in written and documentary form, and to make submissions to me.

I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Preliminary and Procedural Matters

The Tenants applied for multiple remedies under the *Act* some of which were not sufficiently related to one another.

Section 2.3 of the Rules of Procedure states that claims made in an Application must be related to each other and that arbitrators may use their discretion to dismiss unrelated claims with or without leave to reapply.

After looking at the list of issues before me at the start of the hearing, I determined that the most pressing and related issues before me deal with whether or not the tenancy is ending. As a result, I exercised my discretion to dismiss, with leave to reapply, all of the grounds on the application with the exception of the Tenants' request to cancel the 1-Month Notice to End Tenancy for Cause (the Notice).

Settlement Agreement

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.

Given the agreement reached between the parties during the proceedings, I find that the parties have settled their dispute and the following records this settlement as a decision:

Both parties agree that:

- The Notice, issued on August 31, 2022, is cancelled and of no force or effect.
- The parties mutually agree to end the tenancy effective April 30, 2023, at 1 pm.

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 the Notice to End Tenancy.

Since this resolution came to fruition by mutual consent and settlement, I have not made any findings on the merits of the Notice issued. As such, I decline to award the recovery of the filing fee, pursuant to section 72 of the *Act*.

Conclusion

In support of the agreement described above, the landlord is granted an order of possession effective April 30, 2023, at 1pm and after service on the tenants. The Landlord may serve and enforce this Order if the Tenants fail to move out as specified above.

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 23, 2023

Residential Tenancy Branch