



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes CNL, RR, RP, OLC, FFT

Introduction

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* (the "**Act**") for:

- an order that the landlord make repairs to the rental unit pursuant to section 32;
- the cancellation of the Two Month Notice to End Tenancy for Landlord's Use of Property (the "**Notice**") pursuant to section 49;
- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62;
- an order to allow the tenants to reduce rent for repairs, services or facilities agreed upon but not provided, pursuant to section 65; and
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

Tenant JB attended the hearing on behalf of both tenants. The landlord attended the hearing and was represented at the hearing by an agent ("**RW**"). A number of witnesses attended the start of the hearing but disconnected to wait for their turn to give evidence. The parties were able to reach a settlement, so none of the witnesses testified.

Preliminary Issue – Severing Application

Rule of Procedure 2.3 states:

2.3 Related issues

Claims made in the application must be related to each other. Arbitrators may use their discretion to dismiss unrelated claims with or without leave to reapply.

At the outset of the hearing I advised the parties that there would not be sufficient time to deal with all of the tenant's claims. I stated that, from my perspective, the central of these claims was the application to cancel the notice, and that The other issues were

not related. the parties agreed. As such, and with the consent of the parties, I dismiss with leave to reapply the tenants' applications for repairs, for in order that the landlord comply with the Act, and for an order that the rent be reduced.

The balance of this decision relates to the tenants' applications for an order that the Notice is cancelled and for the return of the filing fee (the "**Remaining Issues**").

Settlement

Pursuant to section 63 of the Act, an 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.

The parties agreed to the following final and binding settlement of the Remaining Issues:

1. The tenants must vacate the rental unit on or before July 1, 2023 at 1:00 pm.
2. The tenants must pay rent (\$4,000) on the first day of each of March, April, May, and June 2023.
3. The landlord waives any claim to arrears accrued by the tenants as of February 17, 2023.
4. The landlord agrees that any notices to end tenancy for non-payment of rent issued prior to February 17, 2023 are cancelled and are of no force or effect.
5. The landlord may retain \$652 of the security deposit.
6. The landlord must return the balance of the security deposit (\$1,348) to the tenants by July 15, 2023.
7. The tenants retain the right to make an application for an amount equal to 12 times the monthly rent pursuant to section 51(2) of the Act, notwithstanding this settlement agreement.

These particulars comprise the full and final settlement of the Remaining Issues. The 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 the Remaining Issues.

Conclusion

As the parties have reached a settlement, I make no factual findings about the merits of this application.

To give effect to the settlement reached between the parties, and as discussed at the hearing, I issue the attached:

- 1) monetary order ordering the landlord to pay the tenants \$1,348 by July 15, 2023.
- 2) order of possession which orders that the tenants provide vacant possession of the rental unit to the landlord by 1:00 pm by July 1, 2023 at 1:00 pm.

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: February 17, 2023

Residential Tenancy Branch