



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Introduction

This hearing was convened in response to an application and amendments by the Tenant pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order cancelling several notices to end tenancy - Section 47 and 49;
2. An Order for the Landlord’s compliance - Section 62; and
3. An Order for the recovery of the filing fee - Section 72.

Both Parties attended the conference call hearing and were each given full opportunity under oath to be heard, to present evidence and to make submissions. The Parties confirmed receipt of each other’s evidence packages. During the hearing the Parties reached a settlement agreement on the claim to cancel the notices to end tenancy and the claim for the Landlord’s compliance. The Parties conducted a final review for accuracy of the terms of the mutual agreement reached by Parties during the hearing. The Parties confirmed at the end of the hearing that this agreement was made on a voluntary basis and that they understood the nature of the full and final settlement of these matters.

Agreed Facts

The tenancy under written agreement started on April 15, 2022 on a fixed term to end April 30, 2023. Rent of \$2,200.00 is payable on the first day of each month. At the outset of the tenancy the Landlord collected \$1,100.00 as a security deposit and \$1,100.00 as a pet deposit. Between November 26, 2022 and February 4, 2023 the Landlord issued one notice to end tenancy for landlord’s use and eight notices to end tenancy for cause.

Settlement Agreement

The Parties mutually agree as follows:

- 1. The Landlord agrees to withdraw all the notices to end tenancy and to continue the tenancy until otherwise ended by either the Landlord or the Tenant; and**
- 2. These terms comprise the full and final settlement of all aspects of this dispute for both Parties.**

Section 63(2) of the Act provides that if the parties settle their dispute during dispute resolution proceedings, the director may record the settlement in the form of a decision or order. Given the mutual agreement reached during the Hearing, I find that the Parties have settled their dispute as recorded above. To give effect to this agreement I cancel all the notices to end tenancy. As the Tenant had to make this application and amendments to deal with the large number of notices and as the claim for recovery of the filing fee was not part of the mutual agreement I find that the Tenant is entitled to recovery of the \$100.00 filing fee and the Tenant may deduct this amount from future rent payable in full satisfaction of this claim.

Conclusion

The Parties have settled the dispute and the tenancy continues

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: March 28, 2023

Residential Tenancy Branch