



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

A matter regarding Vantage West Realty
and [tenant name suppressed to protect privacy]

SETTLEMENT DECISION

Dispute Codes **CNR, RR, RP, OLC, FFT**

Introduction

This hearing dealt with an application by the tenant pursuant to the Residential Tenancy Act ("Act") for orders as follows:

- cancellation of the landlord's 10 Day Notice to End Tenancy ("10 Day Notice") pursuant to section 46 of the Act
- For an order to reduce rent for repairs, services, or facilities agreed upon but not provided pursuant to section 65 of the Act
- For an order requiring the landlord to make repairs to the property pursuant to section 32 of the Act
- For an order requiring the landlord to comply with the Act, regulations or tenancy agreement pursuant to section 62 of the Act
- For reimbursement of the filing fee pursuant to section 72 of the Act

TG appeared as agent for the landlord. The tenant CT appeared for herself. All parties were given a full opportunity to be heard, to present testimony, to make submissions, and to call witnesses.

The hearing was conducted by conference call. The parties were reminded to not record the hearing pursuant to Rule of Procedure 6.11. The parties were affirmed.

The tenant confirmed receipt of the 10 Day Notice dated January 10, 2023. Pursuant to section 88 of the Act the tenants are found to have been served with this notice in accordance with the Act.

The parties each testified that they received the respective materials and based on their testimonies I find each party duly served in accordance with sections 88 and 89 of the Act.

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. 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 listed in this application for dispute resolution:

1. The tenant agrees to provide the landlord with vacant possession of the subject rental property on May 31, 2023 at 1:00 P.M.
2. The tenant agrees to pay the landlord \$3,000.00 for unpaid rent
3. The tenant agrees to allow the landlord to show the rental unit one time per week, with a minimum 48 hours notice to enter and no weekend showings
4. The tenant will provide the landlord with 20 days notice if she wishes to vacate the rental unit earlier than May 31, 2023

As the parties have reached a settlement, I make no factual findings about the merits of this application, and I have only addressed the issues brought forward in the application before me.

Conclusion

I order the parties to comply with the terms of the settled agreement described above.

To give effect to the settlement reached between the parties and as discussed with them during the hearing, pursuant to section 63(2) of the Act, I issue an order of possession to the landlord, which is to take effect on May 31, 2023, at 1:00 P.M., and a monetary order in favour of the landlord in the amount of \$3,000.00. The parties are provided with these orders in the above terms and must serve them on each other in accordance with the Act. If the tenant fails to comply with the order of possession, the landlord may enforce the order of possession in the Supreme Court of British Columbia.

The monetary order may be enforced by the tenant in the Provincial 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: March 24, 2023

Residential Tenancy Branch