



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes Application 1: MNRT, MNDCT, RR, RP, AAT, PSF, LRE, OLC
Application 2: CNC, MNDCT, PSF, LRE, OLC

Introduction

This hearing dealt with the tenant's applications pursuant to the *Residential Tenancy Act* (the *Act*) for:

- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47;
- a monetary order for compensation for loss or money owed under the *Act*, regulation or tenancy agreement pursuant to section 67;
- an order to allow the tenant to reduce rent for repairs, services or facilities agreed upon but not provided, pursuant to section 65;
- an order to the landlord to make repairs to the rental unit pursuant to section 33;
- an order to allow access to or from the rental unit or site for the tenant or the tenant's guests pursuant to section 70;
- an order to the landlord to provide services or facilities required by law pursuant to section 65;
- an order to suspend or set conditions on the landlord's right to enter the rental unit pursuant to section 70; and
- an order requiring the landlord to comply with the *Act*, regulation or tenancy agreement pursuant to section 62.

Both parties attended the hearing and were given a full opportunity to be heard.

Pursuant to Rule 6.11 of the RTB Rules of Procedure, the Residential Tenancy Branch's teleconference system automatically records audio for all dispute resolution hearings. In accordance with Rule 6.11, persons are still prohibited from recording dispute resolution hearings themselves; this includes any audio, photographic, video or digital recording. Both parties confirmed that they understood.

Both parties confirmed that the tenant had moved to a different rental unit. With the consent of both parties, the tenant's application was amended to reflect the address of the tenant's current rental unit.

Analysis

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. During the hearing the parties discussed the issues between them, turned their minds to compromise and achieved a resolution of the dispute in relation to tenant's applications.

Both parties agreed to the following final and binding settlement in relation to the continuation of the tenancy:

1. Both parties agreed that the tenancy will continue in accordance with the *Act*, with the following conditions:
 - a) The tenant will continue their efforts to find new housing.
 - b) If the tenant moves out by the 10th day of the month, the landlord agrees to return the tenant's security deposit in full plus provide the tenant with the equivalent of one month's rent as a move-out incentive. This offer will be available if the tenant moves out by August 10, 2023.
 - c) The tenant agrees to comply with the rules, and communicate in a respectful manner with staff and the landlord.
 - d) The landlord agreed that they will investigate and address matters as required by the *Act* and legislation.
2. The landlord agreed that the 1 Month Notice, dated November 23, 2022, is cancelled and is of no continuing force or effect.

These particulars comprise the full and final settlement of all aspects of this dispute. Both parties testified at the hearing that they understood and agreed to the above terms, free of any duress or coercion. Both parties testified that they understood and agreed that the above terms are legal, final, binding and enforceable, which settle all aspects of this dispute.

Conclusion

The tenancy is to continue in accordance with the *Act*, and the terms and conditions agreed to in the above settlement.

The landlord's 1 Month Notice, dated November 23, 2022, is cancelled and is of no force or effect.

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 13, 2023

Residential Tenancy Branch