



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Introduction

This hearing dealt with two separate applications filed by the tenants pursuant to the *Residential Tenancy Act* (the “Act”) for:

- cancellation of the landlord’s 10 Day Notice to End Tenancy for unpaid Rent and/or utilities (the 10 Day Notice) pursuant to section 46;
- cancellation of the landlord’s One Month Notice to End Tenancy for Cause (the One Month Notice) pursuant to section 47;
- cancellation of the landlord’s Two Month Notice to End Tenancy for Landlord’s Use of Property (the Two Month Notice) pursuant to section 49;
- more time to make an application to cancel the landlord’s Two Month Notice pursuant to section 66;
- a monetary order for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement pursuant to section 67;
- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62;
- an order to the landlord to make repairs to the rental unit pursuant to section 32;
- an order to allow the tenant(s) to reduce rent for repairs, services or facilities agreed upon but not provided, pursuant to section 65;
- an order regarding a disputed additional rent increase pursuant to section 43;
- authorization to recover the filing fee for this application pursuant to section 72.

All named parties attended the hearing. No issues were raised with respect to the service of the application and evidence submissions on file.

Preliminary Issue – Scope of Application

Residential Tenancy Branch Rules of Procedure, Rule 2.3 states that, if, in the course of the dispute resolution proceeding, the Arbitrator determines that it is appropriate to do so, the Arbitrator may sever or dismiss the unrelated disputes contained in a single application with or without leave to apply.

Aside from the tenants' application to cancel the various Notice(s) to End Tenancy, I am exercising my discretion to dismiss the remainder of the issues identified in the tenants' application with leave to reapply as these matters are not related. Leave to reapply is not an extension of any applicable time limit.

Settlement of dispute relating to Notice(s) to End Tenancy

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 expressed an interest and were successful in resolving the dispute relating to the Notice(s) to End Tenancy by mutual agreement under the following final and binding terms:

1. The tenants and landlord agree **that this tenancy will end no later than 1:00 p.m. on June 30, 2023**, and, the landlord will be granted an **Order of Possession**.
2. The landlord agrees to not enforce the attached Order of Possession until June 30, 2023 on the following conditions:
 - i. The tenants pay the April 2023, May 2023 and June 2023 rent in full and on time as per the tenancy agreement.
3. If the tenants fail to comply with condition #2 above, the landlord may enforce the attached order of possession effective **two days after service of the Order** on the tenants.
4. The tenants may end the tenancy before June 30, 2023 upon providing written notice to the landlord in accordance with section 45 of the Act.
5. The tenants waive their entitlement to the equivalent of one month rent free under section 51(1) of the Act.
6. The tenants retain the right under section 51(2) of the Act to claim against the landlord if:

- a) steps have not been taken, within a reasonable period after the effective date of the notice, to accomplish the stated purpose for ending the tenancy, or
- b) the rental unit is not used for that stated purpose for at least 6 months' duration, beginning within a reasonable period after the effective date of the notice.

Each party confirmed that this agreement was reached voluntarily and that they understood the terms of the agreement. The parties agreed that these particulars comprise the full and final settlement of all aspects of this dispute.

This Decision and Settlement Agreement is final and binding on both parties.

Conclusion

Subject to the conditions described above, I grant an Order of Possession to the landlord effective **two days after service of the Order** on the tenants. Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme 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 30, 2023

Residential Tenancy Branch