



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes File number *****5936: CNL, MNDCT, FFT
File number *****6466: CNL, OLC

Introduction

Pursuant to section 58 of the Residential Tenancy Act (the Act), I was designated to hear an application regarding the above-noted tenancies.

Tenant DW applied for:

- cancellation of a Two Month Notice to End Tenancy for Landlord's Use, issued pursuant to section 49;
- a monetary compensation for damage or loss under the Act, Residential Tenancy Regulation (the Regulation) or tenancy agreement, under section 67; and
- an authorization to recover the filing fee for this application, under section 72.

Tenant LT applied for:

- cancellation of a Two Month Notice to End Tenancy for Landlord's Use, issued pursuant to section 49; and
- an order for the landlord to comply with the Act, the Regulation and/or tenancy agreement, pursuant to section 62.

Tenants DW and LT and respondent SJ attended the hearing. Advocate AM assisted tenant LT. All were given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

At the outset of the hearing all the parties were clearly informed of the Rules of Procedure, including Rule 6.10 about interruptions and inappropriate behaviour, and Rule 6.11, which prohibits the recording of a dispute resolution hearing. All the parties confirmed they understood the Rules of Procedure and section 95(3) of the Act.

The respondent sold the rental unit on March 01, 2023. The purchaser's name is recorded on the cover page of this decision. The purchaser informed the respondent that he planned to move to the two rental units with his family.

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.

All the parties agreed to the following final and binding settlement of all issues listed in these applications for dispute resolution:

1. Tenant LT withdrew her application for dispute resolution.
2. Respondent SJ will pay tenant DW the amount of \$1,422.00 by April 29, 2023 via e-transfer to the email address and passcode recorded on the cover page of this decision as compensation for section 51 of the Act.
3. The tenants are at liberty to submit applications against the rental unit's purchaser for the security deposit.

Conclusion

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

To give effect to the settlement reached between tenant DW and the respondent and as discussed with them during the hearing, I issue the attached monetary order ordering the respondent to pay tenant DW \$1,422.00 by April 29, 2023. Should the respondent fail to pay the settlement funds to tenant DW as required above, this order may be filed and enforced as an order of the Small Claims Division of 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: April 28, 2023

Residential Tenancy Branch