



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **CNC, MNDCT, LRE, OLC**

Introduction

This hearing dealt with an application by the tenant under the *Residential Tenancy Act* (the *Act*) for the following:

- Cancellation of One Month Notice to End Tenancy for Cause (“One Month Notice”) pursuant to section 47;
- A monetary order for compensation for damage or loss under the *Act*, *Residential Tenancy Regulation* (“*Regulation*”) or tenancy agreement pursuant to section 67 of the *Act*;
- An order to restrict or suspend the landlord’s right of entry pursuant to section 70;
- An order requiring the landlord to comply with the *Act* pursuant to section 62;

Both parties attended had opportunity to provide affirmed testimony, present evidence and make submissions.

I explained the hearing and settlement processes, and the potential outcomes and consequences, to both parties. Both parties had an opportunity to ask

questions, which I answered. Neither party made any adjournment or accommodation requests. I informed both parties that I could not provide advice to them, and I would make my Decision after the hearing.

No issues were raised regarding service. I find service complied with the Act.

The parties confirmed the addresses to which the Decision would be sent.

Settlement

Before the conclusion of this hearing, the parties discussed the issues between them, engaged in a conversation, turned their minds to compromise, and achieved a resolution of their dispute.

Pursuant to section 63 of the *Act*, the Arbitrator may assist the parties to settle their dispute and if the parties do so during the dispute resolution proceedings, the settlement may be recorded in the form of a Decision or an Order. This settlement agreement was reached in accordance with section 63.

Given the agreement reached between the parties during the proceedings, I find that the parties have settled their dispute and the following records this settlement as a Decision:

The parties agreed as follows:

- 1) The tenancy between the parties will end at 1:00 PM on May 31, 2023, by which time the tenant and any other occupants will return vacant possession of the rental unit to the landlord.
- 2) ***Provided that the tenant leaves the unit reasonably clean and removes his shed from the property,*** the parties agreed as follows:
 - a) The tenant shall not pay rent for the month of May 2023.
 - b) The landlord shall pay the tenant \$1,036.00 on May 31, 2023, immediately upon the tenant moving out, removing his possessions and the shed, and returning the keys to the landlord. .

c) The landlord shall retain the security deposit of \$475.00.

In support of the agreement described above, the landlord is granted an Order of Possession effective 1:00 PM on May 31, 2023, and after service on the tenant. The landlord may serve and enforce this Order if the tenant fails to move out as specified above.

Should either party violate the terms of this agreement, the tenancy agreement, or the *Act*, it is open to the other party to take steps under the *Act* for an appropriate remedy.

The Order of Possession may be filed and enforced as an Order of the Supreme Court of British Columbia.

The parties are bound by the terms of this agreement, as well as by the terms of their tenancy agreement and the *Act*.

The Arbitrator reviewed the terms of the settlement with the parties; both parties stated they understood and agreed to the terms.

Based on the above, I find that all matters between these parties raised in this application are resolved pursuant to the above agreed terms.

Conclusion

This application is settled on the above terms.

The landlord is granted an Order of Possession effective 1:00 PM on May 31, 2023.

The Order of Possession 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: April 11, 2023

Residential Tenancy Branch