



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes CNR, CNC, FFT

Introduction

The Tenant applied for dispute resolution (Application) and seeks the following:

- an order canceling a 10 Day Notice to End Tenancy for Unpaid Rent under section 46(4)(b) of the Residential Tenancy Act (the “Act”);
- an order canceling a One Month Notice to End Tenancy for Cause under section 47(4) the Act; and
- to recover the cost of the filing fee under section 72 of the Act

Both the Landlord and the Tenant attended the hearing. The parties affirmed to tell the truth during the hearing. Both parties were each given a full opportunity to be heard, to present affirmed testimony, to call witnesses, and make submissions.

The Tenant testified they served the Notice of Dispute Resolution Package (the Materials) on the Landlord on April 19, 2023 via registered mail. The Landlord confirmed receipt of the Materials. Therefore, I find that pursuant to sections 89 and 90 of the Act that Tenant’s Materials were sufficiently served to the Landlord.

Preliminary Issue: Amendment

The Tenant stated they had intended to include a request for the Landlord to reimburse the cost of the filing fee and wanted to amend the Application accordingly. I find this could have been reasonably anticipated by the Landlord as reference to recovering the costs associated with the Application was made in the Tenant’s Materials. Therefore, I amend the Application accordingly, per rule 4.2 of the *Rules of Procedure* which discussed amending applications at the hearing.

Settlement

Pursuant to section 63 of the Act, an arbitrator may assist the parties to settle their dispute. 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 were able to reach a compromise and achieved a resolution of their dispute on mutually agreed terms.

Both parties agreed to the following final and binding settlement of all issues listed in the Application:

- The Tenant will provide the Landlord with vacant possession of the rental unit by 1:00 P.M. on June 1, 2023.
- The Landlord will reimburse the Tenant for one month's rent of \$1,000.00.
- The Landlord will pay the Tenant \$400.00 in respect of moving costs.
- The Landlord will attend the rental property no earlier than 1:00 P.M. on June 1, 2023 and at this time the Tenant will provide the Landlord with the key to the rental unit.
- Both parties agreed that this settlement agreement constituted a final and binding resolution of the Tenant's Application.

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 by 1:00 P.M. on June 1, 2023 and I issue the Tenant a Monetary Order for \$1,400.00.

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

As discussed during the hearing, the matter of the security deposit will be discussed by the parties after the condition inspection of the rental unit takes place.

As I am not deciding on the matter before me, I dismiss without leave to reapply the Tenant's request for the Landlord to pay the filing fee for the Application.

Conclusion

The parties agreed to settlement on final and binding terms.

The Landlord is issued an Order of Possession effective 1:00 P.M. on June 1, 2023. The Order of Possession is attached to this Decision and must be served on the Tenant in accordance with the Act. If the Tenant does not comply with the Order of Possession, it may be filed by the Landlord with the Supreme Court of British Columbia and enforced as an order of that court.

The Tenant is issued a Monetary Order. The Monetary Order is attached to this Decision and must be served on the Landlord. It is the Tenant's obligation to serve the Monetary Order on the Landlord. The Monetary Order is enforceable in the Provincial Court of British Columbia (Small Claims Court). The Order is summarized below.

Item	Amount
Reimbursement of one month's rent	\$1,000.00
Moving costs	\$400.00
Total	\$1,400.00

This Decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under section 9.1(1) of the Act.

Dated: May 25, 2023

Residential Tenancy Branch