



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

A matter regarding DUNCAN MANOR
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC-MT, LRE, OLC

Introduction

This hearing dealt with an Application for Dispute Resolution (Application) that was filed by the Tenant under the *Residential Tenancy Act* (the Act) on March 17, 2023, and an amendment to the Application filed on May 8, 2023, seeking:

- Cancellation of a One Month Notice to End Tenancy for Cause (One Month Notice);
- An extension to the deadline set out in section 47(4) of the Act;
- An order suspending or setting conditions on the Landlord's right to enter the rental unit; and
- An order for the Landlord to comply with the Act, regulations, or tenancy agreement.

All parties provided affirmed testimony. The parties were advised that personal recordings of the proceedings were prohibited under the Rules of Procedure and confirmed that they were not recording the proceedings.

Preliminary Matters

Matter #1

Although the Tenant sought an extension to the deadline set out under section 47(4) of the Act, the parties agreed that the Tenant sought cancellation on the One Month Notice on time.

Matter #2

In their Application and Amendment, the Tenant sought remedies under multiple unrelated sections of the Act. Section 2.3 of the Rules of Procedure states that claims made in an Application must be related to each other and that arbitrators may use their discretion to dismiss unrelated claims with or without leave to reapply.

As the Tenant applied to cancel a One Month Notice, I find that the priority claim relates to whether the tenancy will continue or end. I therefore exercised my discretion to dismiss the following claims by the Tenant with leave to reapply:

- An order suspending or setting conditions on the Landlord's right to enter the rental unit; and
- An order for the Landlord to comply with the Act, regulations, or tenancy agreement.

Settlement

The opportunity for settlement was discussed with the parties during the hearing. The parties were advised on several occasions during the hearing that there is no obligation to resolve the dispute through settlement, but that pursuant to section 63 of the Act, I could assist the parties to reach an agreement, which would be documented in my decision and supporting order.

During the hearing, the parties mutually agreed to settle this matter as follows:

1. The parties agree the tenancy will end at 4:00 pm on July 31, 2023.
2. The Landlord agrees to withdraw the One Month Notice.
3. The parties agree that rent will continue to be due as set out under the tenancy agreement until the tenancy ends.

This settlement agreement was reached in accordance with section 63 of the Act and the parties are cautioned that the rights and obligations of the parties under the Act continue until the tenancy ends.

Conclusion

I order the parties to comply with the terms of the mutual settlement agreement described above.

In support of the settlement described above, and with the agreement of the parties, I grant the Landlord an order of possession, effective at 4:00 pm on July 31, 2023. This order of possession must be served on the Tenant as soon as possible. Should the Tenant fail to comply with this order, it may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

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: June 15, 2023

Residential Tenancy Branch