



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

SETTLEMENT DECISION

Dispute Codes **CNR, CNL, MNRT, RR, FFT, OPL, FFL**

Introduction

This hearing was convened by way of conference call in response to cross Applications for Dispute Resolution filed by the parties pursuant to the Residential Tenancy Act (the "Act") for Orders as follows:

The tenant applied as follows:

- For cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent ("10 Day Notice") pursuant to section 46 of the Act
- For cancellation of the landlord's Two Month Notice to End Tenancy for Cause ("Two Month Notice") pursuant to section 47 of the Act
- For a monetary order for compensation for emergency repairs pursuant to section 33 of the Act
- For an order to reduce rent for repairs, services, or facilities agreed upon but not provided pursuant to section 65 of the Act
- For reimbursement of the filing fee pursuant to section 72 of the Act

The landlord applied as follows:

- For an order of possession pursuant to section 55 of the Act
- For reimbursement of the filing fee pursuant to section 72 of the Act

Landlord KM appeared represented by counsel KK. Tenant JB appeared with advocate JD. All parties were given a full opportunity to be heard, to present testimony, to make submissions, and to call witnesses.

The parties were reminded to not record the hearing pursuant to Rule of Procedure 6.11. The parties were affirmed.

The tenant confirmed receipt of the 10 Day Notice dated February 9, 2023 and the Two Month Notice dated February 9, 2023. Pursuant to section 88 of the Act the tenant is found to have been served with both notices in accordance with the Act.

The parties each testified that they received the respective materials and based on their testimonies I find each party duly served in accordance with sections 88 and 89 of the Act.

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.

Both parties agreed to the following final and binding settlement of all issues listed in this application for dispute resolution:

1. The tenant agrees to provide the landlord with vacant possession of the subject rental property within 2 days of service of an order of possession on the tenant.
2. On the day the tenant surrenders the keys to the rental unit, the landlord will immediately pay the tenant \$600.00.

As the parties have reached a settlement, I make no factual findings about the merits of this application, and I have only addressed the issues brought forward in the application before me.

Conclusion

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

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 two days from the date of service upon the tenant.

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: June 06, 2023

Residential Tenancy Branch