



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes OPC, MNDL-S

Introduction

This hearing was convened as a result of the Landlord's application under the *Residential Tenancy Act* (the "Act") for:

- an order of possession based on a one month notice to end tenancy for cause pursuant to section 55 of the Act; and
- compensation of \$900.00 to repair the damage that the Tenants, their pets or their guests caused during the tenancy pursuant to section 67 of the Act and to retain the security and/or pet damage deposit pursuant to section 72(2)(b) of the Act.

The Landlord, the Tenants, and the Tenants' outreach worker JM attended this hearing and gave affirmed testimony.

Severing the Compensation Claim

Rules 2.3 and 6.2 of the Residential Tenancy Branch Rules of Procedure (the "Rules of Procedure") state as follows:

2.3 Related issues

Claims made in the application must be related to each other. Arbitrators may use their discretion to dismiss unrelated claims with or without leave to reapply.

6.2 What will be considered at a dispute resolution hearing

The hearing is limited to matters claimed on the application unless the arbitrator allows a party to amend the application.

The arbitrator may refuse to consider unrelated issues in accordance with Rule 2.3 [*Related issues*]. For example, if a party has applied to cancel a Notice to End Tenancy or is seeking an order of possession, the arbitrator may decline to hear other claims that have been included in the application and the arbitrator may dismiss such matters with or without leave to reapply.

(emphasis underlined)

The Landlord applied for an order of possession but has also included an unrelated claim for compensation due to damage. As discussed during the hearing and pursuant to Rule 6.2 of the Rules of Procedure, I sever and dismiss the Landlord's claim for compensation with leave to re-apply.

Settlement of the Order of Possession Claim

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.

The parties agreed to the following final and binding settlement of the Landlord's claim for an order of possession as follows:

1. The Tenants and any occupant will vacate the rental unit by 1:00 pm on September 30, 2023. The Landlord will be granted an order of possession of the rental unit effective 1:00 pm on September 30, 2023.

The parties gave verbal affirmation at the hearing that they understood and agreed to the above terms as final, binding, and enforceable, which settle the Landlord's claim for an order of possession only.

I take this opportunity to further remind the parties that their rights and responsibilities under the Act, the regulation, and the tenancy agreement will continue for the duration of the tenancy.

Pursuant to section 60 of the Act, either party may make claims related to the tenancy within two years of the date that the tenancy ends.

Conclusion

To give effect to the settlement reached between the parties, I grant the Landlord an Order of Possession which orders that the Tenants and any other occupant provide vacant possession of the rental unit to the Landlord by **1:00 pm on September 30**

2023. This Order may be served upon the Tenants, filed with the Supreme Court of British Columbia, and enforced as an order of that Court.

The Landlord's claim for compensation relating to damage to the rental unit is severed under the Rules of Procedure and dismissed with leave to re-apply. Leave to re-apply does not extend any applicable time limits.

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: September 08, 2023

Residential Tenancy Branch