



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing

## **DECISION**

### **Dispute Codes**

Tenant's application: CNR, CNC, AAT, LRE, OLC, FFT  
Landlord's application: OPR, OPC, MNRL-S, MNDCL-S, FFL

### **Introduction**

Pursuant to section 58 of the Residential Tenancy Act (the Act), I was designated to hear a cross application regarding the above-noted tenancy.

The tenant's applications pursuant to the Act are for:

- Cancellation of a 10 Day Notice to end tenancy for unpaid rent pursuant to section 46;
- Cancellation of the One Month Notice to end tenancy for cause, pursuant to section 47;
- An order for the landlord to allow the tenant or his guests to access the rental unit, pursuant to sections 30 and 70;
- An order for the landlord to comply with the act, the residential tenancy regulation (the regulation) and/or tenancy agreement, pursuant to section 62;
- An order to restrict or suspend the landlord's right of entry, under section 70; and
- An authorization to recover the filing fee for this application, under section 72.

The landlord's application pursuant to the Act is for:

- An order of possession under a 10-Day Notice to End Tenancy for Unpaid Rent pursuant to sections 46 and 55;
- An order of possession under a One Month Notice to End Tenancy for Cause (the Notice), pursuant to sections 47 and 55;
- A monetary order for unpaid rent, pursuant to section 26;

- An authorization to retain all or a portion of the security deposit, under section 38; and
- An authorization to recover the filing fee for this application, pursuant to section 72

### 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 these applications for dispute resolution:

- 1) All notices to end tenancy are cancelled, and the tenancy will continue until ended in compliance with the Act
- 2) The tenants agree to pay the outstanding utility costs in the sum of \$437.44 by September 26, 2023
- 3) The new occupant AP agrees to complete the landlord's personal information form which includes:
  - a) Legal Name
  - b) Address
  - c) Date of birth
  - d) Employment information
  - e) Previous address
  - f) Copy of Drivers License
- 4) All parties agree to amend the existing tenancy agreement to add the new occupant, AP, as a tenant
- 5) All parties agree to a new rental unit condition inspection, to be conducted at a mutually agreed upon time no later than October 15, 2023
- 6) All parties agreed to establish a proper channel for communication – specifically:
  - a) The tenant, DE, agrees to serve as the primary contact on behalf of all tenants and will make efforts in good faith to communicate with the landlord as needed

- b) The tenant, AP, agrees to serve as the secondary contact for the tenants and will make efforts in good faith to communicate with the landlord as needed
  - c) Email communication is the preferred method of communication for all parties – the parties agree to exchange and confirm email addresses and to update each other on any changes to their primary email addresses throughout the tenancy as required
- 7) All parties agreed that these particulars comprise the full settlement of all aspects of the landlord's and tenant's applications for dispute resolution.

### Conclusion

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

I grant the landlord a Monetary Order in the amount of **\$437.44** to give effect to clause #2 outlined in the settlement agreement, as per my delegated authority under section 63(2) of the Act.

The landlord is provided with this Order in the above terms and the tenants must be served with **this Order** as soon as possible. Should the tenants fail to comply with this Order, this Order may be filed in the Small Claims Division of the Provincial Court 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 *Residential Tenancy Act*.

Dated: September 19, 2023

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Residential Tenancy Branch