



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing

## **DECISION**

### Dispute Codes

Tenant's files: CNR (x2), CNOP, CNMN, RR  
Landlord's file: OPR-DR, FFL

### Introduction

Pursuant to section 58 of the Residential Tenancy Act (the Act), I was designated to hear crossed applications.

The tenant's two applications are for:

- Cancellation of a 10 Day Notice to End Tenancy for unpaid rent pursuant to section 46;
- A monetary order for compensation for damage and loss under the Act, the Regulation or tenancy agreement, pursuant to section 67; and
- An order requiring the landlord to carry out repairs, pursuant to section 32

The landlord's application is for:

- An order of possession under a 10-Day Notice to End Tenancy for Unpaid Rent pursuant to sections 46 and 55; and
- An authorization to recover the filing fee for this application, pursuant to section 72

Section 55 (1.1) of the Act requires that when a tenant submits an application for dispute resolution seeking to cancel a notice to end tenancy issued by a landlord under section 46 of the Act, I must consider if the landlord is entitled to a monetary order if the application is dismissed and the landlord has issued a notice to end tenancy that is compliant with 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 these applications for dispute resolution:

1. The tenants will give possession of the rental unit to the landlords on October 15, 2023, at 1:00 PM
2. The tenants agree to pay to the landlords a sum of \$3,000.00 to settle all issues on the following terms:
  - a. \$3,000.00 covers all unpaid and future rent up to the date of possession on October 15, 2023
  - b. \$3,000.00 settles all claims of repairs and compensation for both parties
  - c. The tenants will pay \$500.00 on September 22, 2023
  - d. The tenants will pay the remaining \$2,500.00 on October 14, 2023
  - e. Each party pays their own filing fee

### Conclusion

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

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 15, 2023

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Residential Tenancy Branch