



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing

A matter regarding 1410121 BC LTD  
and [tenant name suppressed to protect privacy]

## **DECISION**

**Dispute Codes**      **CNR, MNDCT, RR, RP, PSF, LRE, OLC**

### **Introduction**

This hearing dealt with an application filed by the tenant pursuant the *Residential Tenancy Act* (the “Act”) for:

- An order to cancel a 10 Day Notice to End Tenancy for Unpaid Rent/Utilities pursuant to sections 46 and 55;
- A monetary order for damages or compensation pursuant section 67;
- An order for a reduction of rent for repairs, services or facilities agreed upon but not provided pursuant to sections 27 and 65;
- An order for repairs to be made to the unit, site or property pursuant to section 32;
- An order that the landlord provide services or facilities required by the tenancy agreement pursuant to section 27;
- An order suspending the landlord’s right to enter the rental unit pursuant to section 70; and
- An order for the landlord to comply with the Act, regulations or tenancy agreement pursuant to section 62.

The tenant attended the hearing, accompanied by an advocate, V.B. The landlord was represented at the hearing by its representative, R.G. and counsel, S.D. As both parties were present, service was confirmed. The parties each confirmed receipt of the application and evidence. Based on the testimonies I find that each party was served with these materials as required under RTA sections 88 and 89.

### **Preliminary Issue**

Residential Tenancy Branch Rule of Procedure 2.3 states that claims made in an Application for Dispute Resolution must be related to each other. Arbitrators may use their discretion to dismiss unrelated claims with or without leave to reapply. At the commencement of the hearing, I determined that the issue of whether to uphold or cancel the landlord’s notice to end tenancy was the primary issue before me and that the other issues listed on the tenant’s application were not related and would be dismissed with leave to reapply.

### **Settlement Reached**

Pursuant to section 63 of the *Act*, the 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. At the end of the hearing the parties indicated their intention to settle their dispute. The parties achieved a resolution of their dispute with the following terms:

1. The parties mutually agree to end this tenancy. this tenancy will end on March 1, 2024 by which time the tenant and any other occupant will have vacated the rental unit.
2. The parties agree that the tenant is to pay the landlord arrears in the amount of \$3,850.00. The landlord is granted a monetary order in that amount.
3. The landlord agrees that rent can be sent via email to the address recorded on the cover page of the decision.

Both parties testified that this agreement was made of their own free will, without any coercion and that they understood and agreed that the terms are legal, final, binding and enforceable, which settles this aspect of the dispute. As the parties resolved matters by agreement, I make no findings of fact or law with respect to the applications before me and I make no determinations on whether the notice to end tenancy was valid.

#### Conclusion

In order to implement the above settlement reached between the parties and as discussed with them at the hearing, I issue a monetary Order in the landlord's favour in the amount of \$3,850.00.

To give effect to the settlement reached between the parties and as discussed at the hearing, I issue an Order of Possession to the landlord. The landlord is required to serve this Order of Possession upon the tenant and may enforce it as early as 1:00 p.m. on March 01, 2024, should the landlord be required to do so.

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: December 05, 2023

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Residential Tenancy Branch