



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes CNC, MNDCT, LRE, LAT, OLC, FFT / OPC, MNDCL, FFL

Introduction

The hearing was convened following applications for dispute resolution (Applications) from both parties under the *Residential Tenancy Act* (the Act), which were crossed to be heard simultaneously.

The Tenant requests the following:

- An order cancelling a One Month Notice to End Tenancy for Cause (the Notice) under section 47(4) of the Act;
- A Monetary Order of \$6,129.00 for monetary loss or other money owed under section 67 of the Act;
- An order to suspend or set conditions on the Landlord's right to enter the rental unit under section 70 of the Act;
- Authorization to change the locks to the rental unit under section 70 of the Act;
- An order for the Landlord to comply with the Act, *Residential Tenancy Regulation*, or the tenancy agreement under section 62 of the Act; and
- To recover the cost of the filing fee from the Landlord under section 72 of the Act.

The Landlord requests the following:

- An Order of Possession based on the Notice under section and 55(2)(b) of the Act;
- A Monetary Order of \$9,834.08 for monetary loss or other money owed under section 67 of the Act; and
- To recover the cost of the filing fee from the Tenant under section 72 of the Act.

Settlement

Per section 63 of the Act, an arbitrator may assist the parties to settle their dispute. 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 were able to reach a compromise and achieved a resolution of their dispute on mutually agreed terms.

Both parties agreed to the following final and binding settlement of all issues listed in both Applications:

- The Tenant will provide the Landlord with vacant possession of the rental unit by 1:00 PM on April 15, 2024.
- The Tenant may provide early notice to end tenancy to the Landlord before April 15, 2024 and may provide a notice period of 10 days, instead of the period of at least one month, per section 45(1) of the Act. For example, if the Tenant provided notice to end the tenancy and it was received by the Landlord on the first day of the month, the tenancy could be ended on the eleventh day of the month.
- The Landlord may inspect the rental unit a maximum of two times before the end of the tenancy and they may be accompanied by an agent other than NW. NW's full name is provided on the front page of this Decision. The Landlord may also inspect the rental unit at, or after, the end of tenancy.
- The Tenant will immediately notify the Landlord of any damage to the rental unit, especially any water damage.
- The Landlord will not proceed with the judicial review of the Residential Tenancy Branch decision dated August 11, 2023. The file number for this previous application is included on the front page of this Decision.
- Both parties agreed that this settlement agreement constituted a final and binding resolution of both Applications before me, including both parties' monetary claims.

To give effect to the settlement reached between the parties and, as discussed with them during the hearing, per section 63(2) of the Act, I issue an Order of Possession to the Landlord which is to take effect by 1:00 PM on April 15, 2024.

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

As discussed during the hearing, the matter of the security deposit will be discussed by the parties after the condition inspection of the rental unit at the end of the tenancy. Parties may wish to review *Policy Guideline 17 - Security Deposit and Set off* for further information.

As I am not deciding on the matter before me, I dismiss without leave to reapply both parties' request for the other to pay the filing fee for their respective Applications.

Conclusion

The parties agreed to settlement on final and binding terms.

The Landlord is issued an Order of Possession effective 1:00 PM on April 15, 2024. A copy of the Order of Possession is attached to this Decision and must be served on the Tenant. If the Tenant does not comply with the Order of Possession, it may be filed by the Landlord with the Supreme Court of British Columbia 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 Act.

Dated: December 21, 2023

Residential Tenancy Branch