

DECISION

Introduction

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

The Tenant requests the following:

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) under sections 46 and 55 of the Act
- an order for the landlord to make repairs to the rental unit under sections 32 and 62 of the Act
- an order for the landlord to provide services or facilities required by law under section 27 of the Act
- an order to suspend or set conditions on the landlord's right to enter the rental unit under section 70(1) of the Act
- authorization to recover the filing fee for this application from the landlord under section 72 of the Act

The Landlord requests the following:

- an Order of Possession based on a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the 10 Day Notice) under sections 46 and 55 of the Act
- a Monetary Order for unpaid rent under section 67 of the Act
- authorization to recover the filing fee for this application from the tenant under section 72 of the Act

Preliminary Matters

Due to time constraints, I was unable to hear all claims of the parties. For this reason, I informed the parties at the outset that I was only going to hear only the most urgent claims to ensure we finish on time. In the circumstances, I determined the most urgent claim to be whether the tenancy would continue.

For this reason, the following issues were dismissed with leave to reapply:

- Is the tenant entitled to an order for the landlord to make repairs to the rental unit under sections 32 and 62 of the Act?
- Is the tenant entitled to an order for the landlord to provide services or facilities required by law under section 27 of the Act?

- Is the tenant entitled to an order to suspend or set conditions on the landlord's right to enter the rental unit under section 70(1) of the Act?
- Is the tenant entitled to recover the filing fee for this application from the landlord?
- Is the landlord entitled to a Monetary Order for unpaid rent?
- Is the landlord entitled to retain all or a portion of the tenant's security deposit in partial satisfaction of the Monetary Order requested?
- Is the landlord entitled to recover the filing fee for this application from the tenant?

Settlement

Under section 63 of the Act, the Arbitrator may assist the parties to settle their dispute.

Both parties voluntarily agreed to the following terms of a final resolution of the dispute resolution application:

1. The Tenant agreed to vacate the rental by 1:00PM on April 30, 2024.
2. Both parties retain the right to reapply for any claims which have been severed from the principal question as to whether the tenancy should continue.
3. Both parties retain the right to pursue claims any other claims arising from the tenancy.

Conclusion

In order to give effect to the settlement reached between the parties, and as discussed at the hearing, I grant an Order of Possession to the landlord effective on April 30, 2024, after service of this Order on the tenant. Should the tenant or any occupant on the premises fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

The parties remain at liberty to reapply for any claims which have been severed from the principal question as to whether this tenancy should continue.

The parties remain at liberty to pursue claims any other claims arising from the tenancy.

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 4, 2023

Residential Tenancy Branch