

DECISION

Introduction

This hearing dealt with the Tenant's Application for Dispute Resolution under the *Residential Tenancy Act* (the Act) for:

- cancellation of the Landlord's One Month Notice to End Tenancy for Cause (One Month Notice) under section 47 of the Act
- an order to allow the Tenant to reduce rent for repairs, services or facilities agreed upon but not provided, under sections 27 and 65 of the Act
- an order regarding the Tenant's dispute of an additional rent increase for capital expenditures by the Landlord under sections 43(3) and 67 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 requiring the Landlord to comply with the Act, regulation or tenancy agreement under section 62 of the Act

N.W. attended the hearing for the Tenant.

P.G. and S.G. attended the hearing for the Landlord.

Preliminary Matters

Residential Tenancy Branch Rules of Procedure, Rule 6.2, states that if, in the course of the dispute resolution proceeding the Arbitrator determines that it is appropriate to do so, the Arbitrator may sever or dismiss the unrelated disputes contained in a single application with or without leave to apply.

Aside from the application to cancel the Notice to End Tenancy, I am exercising my discretion to dismiss the following issues identified in the application as these matters are not related.

The following issues are dismissed with leave to reapply:

- an order to allow the Tenant to reduce rent for repairs, services or facilities agreed upon but not provided, under sections 27 and 65 of the Act
- an order regarding the Tenant's dispute of an additional rent increase for capital expenditures by the Landlord under sections 43(3) and 67 of the Act

Leave to reapply is not an extension of any applicable time limit.

The following issues are dismissed without leave to reapply as the tenancy is ending and they are no longer relevant issues:

- an order for the Landlord to make repairs to the rental unit under sections 32 and 62 of the Act
- an order requiring the Landlord to comply with the Act, regulation or tenancy agreement under section 62 of the Act

Settlement

Under section 63 of the Act, the 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 this hearing, the parties reached an agreement to settle their dispute.

Both parties agreed to the following terms of a final and binding resolution of the Tenant's application and the issues in dispute arising out of this tenancy at this time:

1. This tenancy will end by way of mutual agreement at 1:00 p.m. on November 30, 2024, by which time the Tenant agreed to have vacated the rental unit.
2. The Tenant agrees to allow the Landlord to retain the security deposit in partial satisfaction of unpaid rent to date.
3. The Tenant agrees to pay the Landlord \$2,000.00 by 1:00 p.m. on October 28, 2024.
4. Both parties are at liberty to submit other monetary claims in relation to this tenancy.

Conclusion

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

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 November 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.

To give affect to the settlement reached between the parties, and as discussed at the hearing, I grant a Monetary Order to the Landlord in the amount of \$2,000.00 **effective on October 28, 2024, after service of this Order** on the Tenant. Should the Tenant fail to comply with this Order, this Order may be filed and enforced as an Order of the Provincial Court of British Columbia (Small Claims 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: October 21, 2024

Residential Tenancy Branch