



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Ministry of Housing

## **SETTLEMENT DECISION**

### **Introduction**

This hearing was convened in response to cross-applications by the parties pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

The landlord requested:

- an Order of Possession for cause pursuant to section 55

The tenant requested:

- cancellation of the landlord’s 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47;
- an order to the landlord to make repairs to the rental unit pursuant to section 33; and
- an order to allow the tenant to reduce rent for repairs, services or facilities agreed upon but not provided, pursuant to section 65

Both parties confirmed receipt of each other’s applications for dispute resolution hearing package (“Applications”) and evidence. In accordance with sections 88 and 89 of the *Act*, I find that both the landlord and tenant duly served with each other’s Applications and evidence.

RTB Rules of Procedure 2.3 states that if in the course of a dispute resolution proceeding, the Arbitrator determines that it is appropriate to do so, the Arbitrator may dismiss unrelated disputes with or without leave to reapply. As the priority claim relates to a 1 Month Notice to End Tenancy and the continuance or end of this tenancy, I exercise my discretion to dismiss the portions of the tenant’s monetary claim, with leave to reapply. Liberty to reapply is not an extension of any applicable timelines.

### **Analysis**

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.

Both parties agreed to the following final and binding settlement in relation to the 1 Month Notice to End Tenancy:

1. Both parties entered into a mutual agreement that this tenancy will end on December 31, 2024 at 1:00 p.m., by which date the tenant and any other occupants will have vacated the rental unit.
2. Both parties agreed that a portion of the tenant's security deposit, specifically \$538.00, will be used to offset the remaining rent owed for November 2024.
3. Both parties agreed that the December 2024 rent in the amount of \$1,338.00, is due on or before December 1, 2024.

Both parties testified that they understood and agreed that the above terms are legal, final, binding and enforceable, which settle all aspects of this dispute in relation to the 1 Month Notice.

### **Conclusion**

To give effect to the settlement reached between the parties and as discussed with them during the hearing, I issue an Order of Possession to the landlord, which is to take effect by 1:00 p.m. on December 31, 2024. The landlord is provided with this Order in the above terms and the tenant must be served with this Order in the event that the tenant does not abide by condition #1 of the above settlement. Should the tenant fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

In order to implement the above settlement reached between the parties, and as advised to both parties during the hearing, I issue a Monetary Order in the landlord's favour in the amount of \$1,338.00 for the December 2024 rent.

The landlord is provided with this Order in the above terms and the tenant(s) must be served with a copy of this Order as soon as possible in the event that the tenant does not abide by condition #3 of the above agreement. Should the tenant(s) fail to comply with this Order, this Order may be filed in the Small Claims Division of the Provincial Court and enforced as an Order of that Court.

The tenant's application for a rent reduction is dismissed with leave to reapply.

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: November 20, 2024

---

Residential Tenancy Branch