



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNDC, FF, CNR, OLC, ERP, RP, PSF, RR

There are applications filed by both parties. The Landlord seeks an order of possession and a monetary order for unpaid rent, for money owed or compensation for damage or loss and recovery of the filing fee. The Tenant seeks an order to cancel the notice to end tenancy issued for unpaid rent, a monetary claim for money owed or compensation for damage or loss, an order for the Landlord to comply with the Act, Regulation or Tenancy Agreement, an order for emergency repairs for health or safety concerns, an order for repairs to the unit, site or property, an order for the Landlord to provide services or facilities as required by the law, an order to reduce rent for repairs, services or facilities agreed upon but not provided and recovery of the filing fee.

Both parties attended the hearing by conference call and gave testimony. As both parties have attended and have confirmed receipt of the notice of hearing package and the submitted documentary evidence, I am satisfied that both parties have been properly served.

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 contained in a single application with or without leave to reapply.” In this regard I find that the tenant has applied for a monetary order for money owed or compensation for damage or loss, for an order for the landlord to comply with the Act, for an order for the landlord to make repairs and for an order for the landlord to provide services or facilities. As these sections of the tenant’s application are unrelated to the main section which is to cancel the notice to end tenancy issued for unpaid rent, I dismiss these sections of the tenant’s claim with leave to reapply.

The hearing shall proceed on the Landlord’s application in it’s entirety and the Tenant’s application to cancel the notice to end tenancy.

Section 63 of the Residential Tenancy Act provides that the parties may attempt to settle their dispute during a hearing. Pursuant to this provision, discussion between the two parties during the hearing led to a resolution. Specifically, it was agreed as follows:

Both parties agreed that the Landlord shall withdraw the notice to end tenancy if the Tenant makes the December rent payment of \$1,200.00 on December 15, 2013 to the Landlord. The Landlord agrees to forgive the May 2013 unpaid rent that was disputed by both parties.

The above particulars comprise full and final settlement of all aspects of the dispute arising from this application for both parties.

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 10, 2013

Residential Tenancy Branch

