



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, ERP

Introduction

This hearing dealt with the tenant's Application for Dispute Resolution seeking an order to have the landlord complete emergency repairs and to cancel a notice to end tenancy.

The hearing was conducted via teleconference and was attended by the tenant; her two advocates; the landlord's agent and a translator.

Residential Tenancy Branch Rule of Procedure 2.3 states that claims made in an Application for Dispute Resolution must be related to each other. Arbitrators may use their discretion to dismiss unrelated claims with or without leave to reapply.

It is my determination that the priority claim regarding the 1 Month Notice to End Tenancy for Cause and the continuation of this tenancy is not sufficiently related to the tenant's request for an order to have the landlord complete emergency repairs. The parties were given a priority hearing date in order to address the question of the validity of the Notice to End Tenancy.

The tenant's request for emergency repairs is unrelated in that the basis for it rests largely on other facts not germane to the question of whether there are facts which establish the grounds for ending this tenancy as set out in the 1 Month Notice. I exercise my discretion to dismiss the tenant's request for an order to have the landlord complete emergency repairs. I grant the tenant leave to re-apply for this other claim.

Issue(s) to be Decided

The issues to be decided are whether the tenant is entitled to cancel a 1 Month Notice to End Tenancy for Cause, pursuant to Section 47 of the *Residential Tenancy Act (Act)*.

Background and Evidence

During the hearing the parties reached the following settlement:

1. The tenant agrees to vacate the rental unit no later than September 30, 2015.

Conclusion

In support of this settlement and with agreement of both parties I grant the landlord an order of possession effective **September 30, 2015 after service on the tenant**. This order must be served on the tenant. If the tenant fails to comply with this order the landlord may file the order with the Supreme Court of British Columbia and be 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 *Residential Tenancy Act*.

Dated: August 27, 2015

Residential Tenancy Branch

