



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, OLC, PSF, MNDCT, FFT

Introduction

This hearing convened as a result of a Tenant's Application for Dispute Resolution wherein he sought the following relief:

- an Order canceling a 1 Month Notice to End Tenancy for Cause issued on July 23, 2020 (the "Notice");
- an Order that the Landlord:
 - comply with the *Residential Tenancy Act* (the "Act"), the *Residential Tenancy Regulation*; and/or the residential tenancy agreement; and,
 - provide services or facilities as required by law;
- an order for monetary compensation from the Landlord in the amount of \$6,400.00; and,
- recovery of the filing fee.

The hearing of the Tenant's Application was scheduled for teleconference at 11:00 a.m. on September 10, 2020. Both parties called into the hearing. The hearing process was explained and the participants were asked if they had any questions. Both parties were provided the opportunity to present their evidence orally and in written and documentary form, and make submissions to me.

Preliminary Matter

Hearings before the Residential Tenancy Branch are governed by the *Residential Tenancy Branch Rules of Procedure*. At all times an Arbitrator is guided by *Rule 1.1* which provides that Arbitrators must ensure a fair, efficient and consistent process for resolving disputes for landlords and tenants.

Residential Tenancy Branch Rule of Procedure 2.3 provides 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.

Hearings before the Residential Tenancy Branch are scheduled on a priority basis. Time sensitive matters such as a tenant's request for emergency repairs or the validity of a notice to end tenancy are given priority over monetary claims.

During the hearing I informed the parties that it was my determination that the priority claim before me was the validity of the Notice. I also found that this claim is not sufficiently related to the Tenant's monetary claim; accordingly I exercised my discretion and dismiss the Tenant's monetary claim with leave to reapply.

Settlement

During the hearing the parties resolved the end of the tenancy by mutual agreement. The terms of their agreement are recorded in this my Decision and Order pursuant to section 63 of the *Residential Tenancy Act* and Rule 8.4 of the *Residential Tenancy Branch Rules of Procedure*. As the parties resolved matters by agreement, I make no findings of fact or law with respect to their relative claims.

The parties confirmed at the end of the hearing that this agreement was made on a voluntary basis and that the parties understood the nature of this full and final settlement of this matter.

The terms of their settlement follow.

Settlement

1. The tenancy shall end and the Tenant shall vacate the rental unit by no later than **1:00 p.m. on September 30, 2020.**
2. The Landlord is granted an Order of Possession effective **1:00 p.m. on September 30, 2020.** The Landlord must serve the Order on the Tenant as soon as possible and may if necessary, file and enforce the Order in the B.C. Supreme Court.
3. The Tenant shall not be obligated to pay rent for the month of September 2020.

Conclusion

The Tenant's request to cancel the Notice is settled. The tenancy shall end at 1:00 p.m. on September 2020.

The Tenant is not obligated to pay rent for the month of September 2020. The balance of the Tenant's monetary claim is dismissed with leave to reapply.

As the tenancy is ending, the Tenant's request for an Order an Order that the Landlord comply with the *Act*, the *Residential Tenancy Regulation*; and/or the residential tenancy agreement, and, provide services or facilities as required by law is dismissed without 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: September 10, 2020

Residential Tenancy Branch