



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Tel-A-Friend Motel
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, LRE, MNDCT

Introduction

This matter was heard on October 19, 2021 and a Decision was made on October 20, 2021. On October 27, 2021 the landlord filed an Application for Review Consideration and the Arbitrator on October 29, 2021, granted a new hearing and the original Decision and Order were suspended.. The Arbitrator at the new hearing may confirm, vary or set aside the original decision.

This new hearing dealt with an Application for Dispute Resolution by the tenant to cancel a One Month Notice to End Tenancy for Cause, (the “Notice”), to restrict or set conditions on the landlord’s rights to enter the premises, for a monetary order for compensation for loss or other money owed and to recover the cost of the filing fee.

On December 17, 2021, this matter was adjourned to today’s date, December 23, 2021 at 1:30 PM, as the tenant was in the hospital at the time. The interim Decision dated December 17, 2021 should be read in conjunction with this Decision.

Both parties appeared.

I have removed CE, the second person named as an applicant from the style of cause. CE was an advocate for the tenant, who was not acting on their behalf. CE is not a tenant and should not have been named as an applicant in the application for dispute resolution.

I should note for the record that the tenant is under a Court Undertaking, issued by the police on November 13, 2021, to have no contact, directly or indirectly with DL. Although DL was at the telephone hearing, as a landlord, at no time did the tenant have

any direct or indirect contact with DL. All communication was done through the other landlord whose initials are also DL and with the assistance of the tenant's social worker.

During the hearing the parties agreed to settle these matters, on the following conditions:

- 1) The parties agreed that landlord has received rent for January 2022;
- 2) The parties agreed that the tenancy will end on January 31, 2022 and the landlord is granted an order of possession effective on that date;
- 3) The tenant agreed for the remainder of the tenancy that they will not leave any windows or doors open; and
- 4) The tenant is to immediately remove all comments that they have placed on google earth about the landlord and their business and any other site they may have posted negative comments and not to make any other such comments.

This settlement agreement was reached in accordance with section 63 of the *Residential Tenancy Act*.

Conclusion

As a result of the above settlement, I set aside the original Decision and Order and replace with this Decision. The landlord is granted an order of Possession. The tenant's application 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: December 23, 2021

Residential Tenancy Branch