



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

### Dispute Codes:

CNC, FFT, OLC

### Introduction

This hearing was convened in response to the Tenant's Application for Dispute Resolution, in which the Tenant applied to set aside a Notice to End Tenancy for Cause; for an Order requiring the Landlord to comply with the *Residential Tenancy Act (Act)* or the tenancy agreement; and to recover the fee for filing this Application for Dispute Resolution.

The Tenant stated that on August 22, 2021 the Dispute Resolution Package and evidence submitted to the Residential Tenancy Branch in August of 2021 were personally served to the Landlord. The Landlord acknowledged receipt of these documents and the evidence was accepted as evidence for these proceedings.

On September 16, 2021 the Landlord submitted evidence to the Residential Tenancy Branch. The Landlord stated that this evidence was personally served to the Tenant on September 16, 2021. The Tenant acknowledged receiving this evidence and it was accepted as evidence for these proceedings.

On October 27, 2021 the Tenant submitted an Amendment to the Application for Dispute Resolution, in which she added an application to dispute a second One Month Notice to End Tenancy for Cause. The Tenant stated that in late October of 2021 this Amendment and evidence submitted with the Amendment were personally served to the Landlord. The Landlord acknowledged receipt of these documents. As such, the Application for Dispute Resolution has been amended accordingly and the evidence was accepted as evidence for these proceedings.

On December 01, 2021 the Landlord submitted additional evidence to the Residential Tenancy Branch. The Landlord stated that this evidence was personally served to the Tenant on December 01, 2021. The Tenant acknowledged receiving this evidence and it was accepted as evidence for these proceedings.

The participants were given the opportunity to present relevant oral evidence, to ask relevant questions, and to make relevant submissions. Each participant affirmed that they would speak the truth, the whole truth, and nothing but the truth during these proceedings.

The participants were advised that the Residential Tenancy Branch Rules of Procedure prohibit private recording of these proceedings. Each participant affirmed they would not record any portion of these proceedings.

#### Issue(s) to be Decided

Should either One Month Notice to End Tenancy for Cause, served pursuant to section 47 of the *Residential Tenancy Act (Act)*, be set aside?

#### Background and Evidence

After considerable discussion about the merits of the two One Month Notices to End Tenancy for Cause, the Landlord and the Tenant mutually agreed to settle all issues in dispute at these proceedings under the following terms:

- The tenancy will end, by mutual agreement, on January 31, 2022; and
- The Tenant can reduce her rent for January of 2022 by \$100.00.

The aforementioned settlement agreement was summarized for the parties on at least two occasions. The Landlord and the Tenant clearly indicated their intent to resolve this dispute under these terms.

The Landlord, the Tenant, and the Advocate for the Tenant each acknowledged that they understand the parties were not required to enter into this agreement and that the parties were doing so voluntarily.

The Landlord, the Tenant, and the Advocate for the Tenant each acknowledged that the parties understood the agreement was final and binding.

Analysis

All issues in dispute at these proceedings have been settled in accordance with the aforementioned settlement agreement.

In accordance with the settlement agreement, the Tenant has the right to reduce her monthly rent for January of 2022, by \$100.00.

Conclusion

On the basis of the settlement agreement the Landlord is granted an Order of Possession that is effective at 1:00 p.m. on January 31, 2022. This Order may be served on the Tenant, filed with the Supreme Court of British Columbia, and 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: December 09, 2021

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Residential Tenancy Branch