



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes **CNL, MNDCT, RP, PSF, OLC, OPL, MNDL, FFL**

Introduction

This hearing was convened by way of conference call in response to cross Applications for Dispute Resolution filed by the parties pursuant to the Residential Tenancy Act (the "Act") for Orders as follows:

The tenant applied as follows:

- For cancellation of the landlord's Two Month Notice to End Tenancy for Unpaid Rent ("Two Month Notice") pursuant to section 49 of the Act
- For repairs to the unit pursuant to section 32 of the Act
- For an order to provide services or facilities required by the tenancy agreement or law pursuant to section 62 of the Act
- For an order requiring the landlord to comply with the Act, regulations or tenancy agreement pursuant to section 62 of the Act
- For a monetary order for damage or compensation pursuant to section 67 of the Act

The landlord applied as follows:

- For a monetary order for unpaid rent pursuant to section 67 of the Act
- For an order of possession pursuant to section 55 of the Act
- For reimbursement of the filing fee pursuant to section 72 of the Act

Both parties attended the hearing. Landlord JB appeared with agent JB. Tenant KS appeared for himself. All parties were given a full opportunity to be heard, to present testimony, to make submissions, and to call witnesses.

The parties confirmed they were not recording the hearing pursuant to Rule of Procedure 6.11. The parties were affirmed.

The tenant confirmed receipt of the Two Month Notice dated December 15, 2022. Pursuant to section 88 of the Act the tenant is found to have been served with the notice in accordance with the Act

The parties each testified that they received the respective materials and based on their testimonies I find each party duly served in accordance with sections 88 and 89 of the Act.

Settlement

Pursuant to section 63 of the Act, an arbitrator may assist the parties to settle their dispute and if the parties settle their dispute during the dispute resolution proceedings, the settlement may be recorded in the form of a decision or an order. During the hearing the parties discussed the issues between them, engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

Both parties agreed to the following final and binding settlement of all issues listed in this application for dispute resolution:

1. The tenant agrees to provide the landlord with vacant possession of the subject rental property on August 15, 2023 at 1:00 P.M.
2. The tenant will vacate the room known as the "rec room" in the rental unit for the landlord's use no later than 48 hours after receipt of this decision.
3. The rent for the rental unit is reduced to \$1,550.00 per month for the duration of the tenancy.
4. The landlord acknowledged that the tenant will not pay rent from July 15, 2023 to August 15, 2023 pursuant to section 51 of the Act.

As the parties have reached a settlement, I make no factual findings about the merits of this application, and I have only addressed the issues brought forward in the application before me.

Conclusion

I order the parties to comply with the terms of the settled agreement described above.

To give effect to the settlement reached between the parties and as discussed with them during the hearing, pursuant to section 63(2) of the Act, I issue an order of possession to the landlord, which is to take effect on August 15, 2023, at 1:00 P.M. 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: April 28, 2023

Residential Tenancy Branch