



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes CNR-MT, LRE, LAT, OLC

Introduction

This hearing dealt with an application by the tenant pursuant to the Residential Tenancy Act (the “Act”) for the following orders:

1. cancellation of the landlord’s 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) and an extension of the time limit to dispute the 10 Day Notice pursuant to sections 46 and 66;
2. an order to suspend or set conditions on the landlord’s right to enter the rental unit pursuant to section 70(1);
3. authorization to change the locks to the rental unit pursuant to section 70(2); and,
4. an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62.

JT and LT (the “landlords”) and SL (the “tenant”) appeared at the hearing. Both parties were given full opportunity to be heard, to present their testimony and to make submissions. All parties confirmed they were not recording the hearing pursuant to Rule of Procedure 6.11.

Preliminary Matter

At the outset of the hearing, JT corrected the spelling of LT’s first name. Pursuant to section 64(3)(a) of the Act, I amend the tenant’s application to correct the spelling of LT’s first name.

Analysis

Pursuant to section 63 of the Act, the 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, 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 currently under dispute at this time:

1. This tenancy is ended by way of a mutual agreement and not pursuant to the 10-day Notice issued February 2, 2023.
2. The tenant will vacate the rental unit on or before May 31, 2023, not later than 1:00 p.m.
3. The tenant will pay rent in the amount of \$1,800.00 for the month of May on or before May 1, 2023.
4. The landlords will provide the tenant with the key to the door handle of the rental unit not later than April 22, 2023.
5. Both parties agreed that this settlement agreement constitutes a final and binding resolution of the application before me today.

Conclusion

To give effect to the settlement reached between the parties and as discussed with them during the hearing, I issue an Order of Possession to the landlord, which is to take effect not later than 1:00 p.m. on May 31, 2023. Should the tenants fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

Further, I issue a Monetary Order in the landlord's favour in the amount of \$1,800.00 against the tenant for the payment of rent for the month of May 2023. The landlord is provided with a Monetary Order in the above terms and the tenants must be served with this Order. The Monetary Order is cancelled and of no force or effect upon payment of rent by 11:59 p.m. on May 1, 2023. Should the tenant fail to comply with this Order, this Order may be filed in the Small Claims Division of the Provincial Court 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: April 20, 2023

Residential Tenancy Branch