



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes CNC CNR OLC FF

Introduction

This hearing, held on April 20, 2023, was convened as a result of the Tenant's Application for Dispute Resolution. The Tenant applied for multiple remedies, pursuant to the *Residential Tenancy Act* (the "Act").

Both sides attended the hearing and provided affirmed testimony. All parties were provided the opportunity to present evidence orally and in written and documentary form, and to make submissions to me.

I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Preliminary and Procedural Matters

The Tenant applied for multiple remedies under the *Residential Tenancy Act* (the "Act"), some of which were not sufficiently related to one another.

Section 2.3 of the Rules of Procedure states that claims made in an Application must be related to each other and that arbitrators may use their discretion to dismiss unrelated claims with or without leave to reapply.

After looking at the list of issues before me at the start of the hearing, I determined that the most pressing and related issues before me deal with whether or not the tenancy is ending. As a result, I exercised my discretion to dismiss, with leave to reapply, all of the grounds on the application with the exception of the Tenants' request to cancel the 1-Month Notice, as well as the Tenants' request to cancel the 10 Day Notice.

Settlement Agreement

During the hearing, a mutual agreement was discussed and both parties made an agreement with respect to the all of the Notices to End Tenancy that the Landlord issued.

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.

Given the agreement reached between the parties during the proceedings, I find that the parties have settled their dispute and the following records this settlement as a decision:

- All Notices to End Tenancy issued by the Landlord are withdrawn and of no force or effect.
- The Tenant will remain in the rental unit and the tenancy will continue.
- The Landlord has sold the rental unit and will stop being the Landlord, effective May 9, 2023.
- At that time, the new owners will take over, but the existing tenancy agreement will remain in place, unless a new tenancy agreement is signed.
- The Landlord will pay the Tenant \$100.00 for the cost of one of the filing fees paid. A monetary order will be issued for this amount.

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 the Notices to End Tenancy.

Conclusion

The Notices to End Tenancy are withdrawn by mutual consent, and they are of no force or effect.

The Tenant is granted a monetary order pursuant to Section 67 in the amount of **\$100.00**. This order must be served on the Landlord. If the Landlord fails to comply with this order the Tenant may file the order in the Provincial Court (Small Claims) and be 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 26, 2023

Residential Tenancy Branch