

Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

DECISION AND REASONS

Dispute Codes: *MNDC, ERP, RP*

Introduction

This hearing dealt with an application by the tenant pursuant to the *Residential Tenancy Act* for a monetary order for compensation and an order for the landlord to make repairs to the rental unit. Both parties attended and were given full opportunity to present evidence and make submissions

The tenant applied for dispute resolution on July 15, 2009 and served the landlord with a notice of hearing and evidence package on July 20, 2009 for a hearing scheduled for July 23, 2009. The landlord requested an adjournment of this hearing due to insufficient time to prepare and serve his evidence. For this reason, the portion of the tenant's application regarding repairs is dismissed with leave to reapply.

This hearing only dealt with the tenant's application for compensation in the amount of the equivalent of two months rent for the disturbance and loss of quiet enjoyment that the tenant has suffered, due to the activities of the tenants in units #1 and #3.

Issues to be decided

Has the tenant met the tenant's burden of proof that loss was incurred due to the landlord's violation of the Act or tenancy agreement? Is the tenant entitled to compensation for this loss and if so, in what amount?

Background and Evidence

The tenancy started on February 01, 2005. The monthly rent is \$602.00 due on the first day of each month.

The tenant testified that the occupants of rental units #1 and #3 have caused the other tenants of the building, extreme hardship by their loud behaviour, criminal activity, littering, damage to the common areas and disregard for the other tenants.

The landlord agreed with the tenant and has already issued two warning letters to both tenants and a notice to end tenancy to the occupant of unit #3.

During the hearing the parties engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

Analysis

Pursuant to Section 63 of the *Residential Tenancy Act*, the dispute resolution officer may assist the parties 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 this hearing, the parties reached an agreement to settle their dispute.

Specifically, it was agreed as follows:

1. The tenant agreed to withdraw his claim for compensation in the amount of \$1,260.00, for the loss of quiet enjoyment.
2. The landlord agreed to take steps to resolve the problems faced by the tenant and other occupants of the building, by following up on the warning letters issued to the tenant in unit #1, with a notice to end tenancy.
3. The tenant agreed to testify at any proceedings to address the ongoing problems.

Conclusion

The landlord and tenant have reached an agreement with regard to the tenant's application for compensation.

Dated July 23, 2009.

Dispute Resolution Officer