

# Dispute Resolution Services

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

## **DECISION AND REASONS**

### **Dispute Codes:**

CNC, OLC

### **Introduction**

This hearing dealt with an application by the tenant for an order to set aside a notice to end tenancy and for an order to seek landlord's action to comply with the *Residential Tenancy Act*. Both parties attended the hearing and had opportunity to be heard.

### **Issue to be Decided**

Does the landlord have grounds to end this tenancy?

### **Background and Evidence**

The tenancy began on March 19, 2009. The rental unit is a suite which is located on the lower level of the home. The landlord occupies the upper level. On June 26, 2009, the landlord served the tenant with a one-month notice to end tenancy for cause.

The notice to end tenancy consisted of two pages. The tenant testified that the second page which outlines the reason for the notice was not filled out by the landlord. The landlord agreed that she did not recall filling out a second page and explained that the reason for the eviction notice is noise disturbances, caused by the tenant.

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 that the landlord would withdraw the notice to end tenancy and allow the tenancy to continue. The tenant agreed to be mindful of the noise disturbances generated by his music.

These particulars comprise the full and final settlement of all aspects of this dispute for both parties

**Conclusion**

The notice to end tenancy is set aside and the tenancy will continue.

Dated August 14, 2009.

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Dispute Resolution Officer