



Dispute Resolution Services

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

Decision

Dispute Codes: OLC, RR

Introduction

This hearing dealt with an application from the tenants for an order instructing the landlord to comply with the Act, and authority to reduce rent for repairs, services or facilities agreed upon but not provided. Both parties participated in the hearing and gave affirmed testimony.

Issues to be decided

- Whether the tenants are entitled to either or both of the above

Background and Evidence

Pursuant to a written residential tenancy agreement, the month-to-month tenancy began on November 1, 2007. Rent in the amount of \$670.00 is payable on the first day of the month, and a security deposit of \$335.00 was collected on October 2, 2007.

The tenants allege that noises made by other tenants in the building have breached their right to quiet enjoyment. They said that they clearly identified their desire for a quiet unit when they first entered into the tenancy. Subsequently, they claim they have suffered quietly for months until they could no longer decline from addressing their concerns to the current resident building managers.

Both parties submitted various documentation in support of their perspectives that, on the one hand, there is too much noise, and that on the other hand, the noises are the result of the normal daily activities of living. The tenants have previously informed the

landlord in writing of their intent to vacate the unit by no later than the end of October 2009.

During the hearing the parties considered some of the circumstances giving rise to the dispute, and the tenants informed the landlord that they would be providing him with written notice of their intent to vacate the unit effective September 30, 2009.

Further, the tenants stated that their concerns about disturbances from noises made by other neighbours have recently diminished. In the result, the tenants withdrew their earlier application for an order instructing the landlord to comply with the Act, and withdrew their earlier application for authority to reduce their rent. The tenants' application did not include an application for recovery of the filing fee.

Analysis

Section 63 of the Act provides that the parties may undertake to settle their dispute during a hearing. Pursuant to this provision, discussion between the parties during the hearing served to clarify the resolution they have achieved between them. In summary, disturbing noises from residents in neighbouring units have been reduced, the tenants have decided to end their tenancy at the close of September 2009, and the tenants seek no orders against the landlord or monetary compensation for past concerns.

Conclusion

Pursuant to all of the above, I hereby dismiss the application

DATE: August 27, 2009

Dispute Resolution Officer