

## **DECISION AND REASONS**

**Dispute Codes:** *MNDC, FF*

### **Introduction**

This hearing dealt with an application by the tenant pursuant to the *Residential Tenancy Act* for a monetary order for compensation for loss of quiet enjoyment, moving and other costs and the filing fee. Both parties attended and were given full opportunity to present evidence and make submissions

### **Issues to be decided**

Has the tenant met the tenant's burden of proof that she suffered a loss of quiet enjoyment 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 June 01, 2006. The monthly rent is \$1128.00 due on the first day of each month.

The tenant testified that due to the noise disturbances caused by the repair work to the parking garage, she suffered a loss of quiet enjoyment and was forced to end the tenancy. The tenant is claiming a total of \$3,364.23 for loss of quiet enjoyment, disrupted parking, postal redirection, packing and moving costs, loss of use of the pool and the filing fee.

The landlord stated that the work was required to maintain the parking garage in a safe condition and that he obtained all the necessary permits from the City. The landlord's witness testified that the work was conducted in keeping with the local by laws.

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 landlord agreed to pay the tenant \$1,250.00 in full and final settlement of her claim against the landlord.
2. The tenant agreed to accept \$1,250.00 in full and final settlement of her claim against the landlord.
3. These particulars comprise the full and final settlement of all aspects of the dispute for both parties.

### **Conclusion**

The landlord and tenant have reached an agreement with regard to the tenant's application for compensation. As this dispute was resolved by mutual agreement and not based on the merits of the case, I decline the tenant's request to recover the filing fee paid for this application.

Pursuant to the above agreement, I grant the tenant a monetary order under section 67 of the *Residential Tenancy Act* for the amount of **\$1,250.00**. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated November 30, 2009.

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Dispute Resolution Officer