

Decision

Dispute Codes: MNDC, OLC

Introduction

This hearing dealt with an application by the tenant for a monetary order as compensation for damage or loss under the Act, regulation or tenancy agreement / and an order instructing the landlord to comply with the Act, regulation or tenancy agreement. Both parties participated in the hearing and gave affirmed testimony.

Issues to be decided

- Whether the tenant is entitled to the above under the Act, regulation or tenancy agreement

Background and Evidence

Pursuant to a written tenancy agreement, the original one year fixed term of tenancy began in mid to late 2008. Thereafter, tenancy has continued on a month-to-month basis. Currently, rent in the amount of \$710.00 is payable in advance on the first day of each month. A security deposit of \$362.50 was collected at the outset of tenancy.

Arising from occasions during which the tenant claims she was harassed and/or threatened by the landlord's husband and/or son, she seeks compensation for breach of the right to quiet enjoyment.

During the hearing the parties exchanged views on some of the circumstances surrounding the dispute and undertook to achieve a resolution.

Analysis

Section 63 of the Act provides that the parties may attempt to settle their dispute during a hearing. Pursuant to this provision, discussion between the parties during the hearing led to a resolution. Specifically, it was agreed as follows:

- that the tenant will withhold \$50.00 from the next regular payment of monthly rent which is due on October 1, 2010, such that rent due on that date will be \$660.00 (\$710.00 - \$50.00);
- that the above particulars comprise full and final settlement for both parties of all issues in dispute arising from this tenancy which are presently before me.

Finally, the attention of both parties is drawn to the provisions set out in section 28 of the Act which speaks to **Protection of tenant's right to quiet enjoyment**:

28 A tenant is entitled to quiet enjoyment including, but not limited to, rights to the following:

- (a) reasonable privacy;
- (b) freedom from unreasonable disturbance;
- (c) exclusive possession of the rental unit subject only to the landlord's right to enter the rental unit in accordance with section 29 [*landlord's right to enter rental unit restricted*];
- (d) use of common areas for reasonable and lawful purposes, free from significant interference.

Conclusion

Pursuant to the agreement reached between the parties during the hearing, the dispute is resolved by way of the tenant's withholding of \$50.00 from the next regular payment of monthly rent.

DATE: September 16, 2010

Dispute Resolution Officer