

Decision

Dispute Codes: RR, FF

Introduction

This hearing dealt with an application by the tenant for permission to reduce rent for repairs, services or facilities agreed upon but not provided, in addition to recovery of the filing fee. Both parties participated in the hearing and gave affirmed testimony.

Issues to be decided

- Whether the tenant is entitled to either of the above under the Act

Background and Evidence

A written tenancy agreement reflects that this month-to-month tenancy began on December 1, 2009. However, prior to that time the tenant was a resident in the building while it was managed by a different landlord. Currently, monthly rent is \$375.00.

Two previous hearings were held in relation to similar concerns identified by the tenant; specifically, the tenant alleges that there are tenants who reside above and beside his unit who create disturbances which breach his 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 landlord will FORTHWITH visit with the tenant who resides in the unit located beside the tenant's unit, requesting that she move her bed further away from the wall which is shared with the tenant's unit;

- that the landlord will FORTHWITH visit with the tenant who resides in the unit located above the tenant's unit, in order to determine whether he still has a ball which, when it lands on the floor, is capable of disturbing the tenant;
- that the landlord will FORTHWITH undertake to remove the ball, as above, should it be deemed capable of disturbing the tenant when it lands on the floor;
- that the landlord will proceed with present plans to relocate the tenant who resides in the unit located above the tenant's unit; the understanding is that such relocation is likely to take place before December 31, 2010;
- that the landlord will undertake to inform the tenant at such time as a tour of the landlord's new facility is available;
- that, should the tenant be interested in relocating to the new facility, the landlord will assist the tenant in placing his name on the waitlist;
- that the tenant withdraws his current application for recovery of the filing fee; this reflects acknowledgement of the tenant's unauthorized withholding of \$50.00 from rent in relation to the first hearing, and acknowledgement of the dispute resolution officer's order from the second hearing that the tenant withhold \$50.00 from the next regular payment of monthly rent.

Conclusion

Pursuant to the agreement reached between the parties, as above, the dispute is presently resolved.

DATE: November 3, 2010

Dispute Resolution Officer