

DECISION

Dispute Codes:

Landlord: MNDC

Introduction

This application was brought by the tenant on September 29, 2010 a Monetary Order for damage or loss under the Act – loss of quiet enjoyment – on the claim that the landlord did not effectively intervene in an ongoing dispute between her and the tenant of the adjoining manufactured home park site.

Issues to be Decided

This application requires decision on whether the tenant is entitled to compensation for loss of quiet enjoyment.

Background and Evidence

This tenancy began on March 15, 1997 and ended on June 30, 2010 on an Order of Possession issued following a hearing on March 22, 2010. Rent was \$398 per month.

On June 9, 2010, the parties entered into a two month storage agreement to permit the tenant an opportunity to sell the rental unit in place. In mid September, when the unit had not sold, the parties signed a three-month licence to occupy agreement to cover the period from September 1, 2010 to November 30, 2010 at a rate of \$20 per day.

Consent Agreement

During the hearing, the parties crafted the following consent agreement:

1. The tenant agrees to withdraw her claim for monetary compensation for loss of quiet enjoyment;
2. The landlord agrees to an extension of the licence agreement to April 30, 2010;
3. The landlord agrees to reduce the charge for the licence agreement from \$20 per day to \$407 per month.

Conclusion

The parties are commended for crafting this consent agreement and for their conciliatory approach to the resolution of this dispute.

November 16, 2010