

DECISION

Dispute Codes CNC, MNDC

Introduction

This hearing dealt with the tenant's Application for Dispute Resolution seeking to cancel a notice to end tenancy and a monetary order.

The hearing was conducted via teleconference and was attended by the tenant and his advocate and the landlord's agent. Both parties had arranged for a number of witnesses, none of whom were called into the hearing.

Issue(s) to be Decided

The issues to be decided are whether the tenant is entitled to cancel a 1 Month Notice to End Tenancy for Cause and a monetary order for compensation for damage or loss, pursuant to Sections 47, 67, and 72 of the *Residential Tenancy Act (Act)*.

Background and Evidence

During the hearing the parties agreed on the following settlement agreement:

1. The landlord withdraws the 1 Month Notice to End Tenancy for Cause issued on February 17, 2011;
2. The tenant withdraws his Application for Dispute Resolution;
3. The landlord agrees to provide the tenant with an alternate non-wheelchair modified 1 bedroom rental unit in the building taking into consideration the tenant's needs and the landlord's obligations to ensure quiet enjoyment for all tenants;
4. The tenant may request an alternate unit if the one noted above does not meet his needs, however while the landlord agrees to consider any such requests the landlord is not obligated to provide any other unit;
5. The tenant remains at liberty to end the tenancy, in accordance with the *Act*, should he decide that the unit he has is not suitable for his needs;
6. The tenant agrees to not disturb any other tenants in the residential property by yelling at them or banging walls or in any other manner;
7. The tenant agrees to report any disturbances caused against him from other tenants directly to the landlord and to not respond directly to those tenants; and
8. Should the tenant fail to follow this agreement the landlord remains at liberty to end the tenancy, in accordance with the *Act*.

Conclusion

Based on the settlement agreement, I accept the matters in the tenant's Application for Dispute Resolution to be resolved.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: March 11, 2011.

Residential Tenancy Branch