



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes MNDC, FF

Introduction

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* for Orders as follows:

1. An Order for money owed or compensation for damages – Section 67;
2. An Order to recover the filing fee for this application - Section 72.

Both parties attended the conference call hearing. At the outset, both parties indicated their desire to settle the dispute.

Background and Evidence

The tenancy started on May 1, 2010 with monthly rent payable in the amount of \$1,400.00. Between the months of September and December 2010, construction was carried out on the unit. The Tenant claims \$1,400.00 in compensation for her loss of quiet enjoyment as a result of the construction. The Tenant withheld the rent for April 2011 pending the conclusion of the Hearing. The tenancy is ending on April 30, 2011. During the hearing, the parties reached an agreement to settle their dispute.

Analysis

Section 63 of the Act is set out as follows:

- (1) The director may assist the parties, or offer the parties an opportunity, to settle their dispute.
- (2) If the parties settle their dispute during dispute resolution proceedings, the director may record the settlement in the form of a decision or order.

Given the authority under the Act, the parties desire to settle their dispute during the proceedings, and agreement reached between the parties during the proceedings, I find that the parties have settled their dispute and the following records this settlement as a decision:

The Parties mutually agree as follows:

- 1. The Landlord agrees to waive the Tenant's April 2011 rent in lieu of the claim by the Tenant for \$1,400.00.**
- 2. The Tenant agrees to withdraw her claim for \$1,400.00 in consideration of the Landlord's agreement to waive the April 2011 rent.**
- 3. The Landlord will reimburse the Tenant the filing fee of \$50.00 and will forward this amount to her along with the security deposit return at the end of the tenancy.**
- 4. These terms comprise the full and final settlement of all aspects of this dispute for both parties.**

Conclusion

The Parties have settled the dispute and the Tenant's application is dismissed.

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: April 13, 2011.

Residential Tenancy Branch