



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes MT, CNC, OPC, FF

Introduction

This hearing was convened in response to an application by the Tenant and a cross-application by the Landlord.

The Tenant applied for dispute resolution on April 1, 2011 for:

- More time to make an application to cancel a Notice to end Tenancy – Section 66; and
- An Order cancelling the Notice to End Tenancy – Section 47.

The Landlord applied for dispute resolution on April 15, 2011 for;

- An Order of Possession based on a Notice to End Tenancy for Cause as follows:
 - The Tenant or a person permitted on the property by the Tenant has
 - Significantly interfered with or unreasonably disturbed another occupant or the landlord;
 - Seriously jeopardized the health or safety or lawful right of another occupant or the landlord – Section 55; and
- Recovery of the filing fee – Section 72.

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

Background and Evidence

The Tenancy began on November 1, 2009. Rent is payable monthly in the amount of \$550.00. At the outset of the tenancy, the Landlord collected a security deposit from the Tenant in the amount of \$250.00. On March 21, 2011, the Tenants were served with a One Month Notice to End Tenancy for Cause. This Notice came as a result of complaints from another tenant in the same building as the Tenants. The Tenants stated that the one Tenant is currently undergoing medical and psychological problems and that these problems are causing the disturbances that are the basis of the other tenant's complaints. At the Hearing the Landlord stated that they could offer the Tenants a different rental suite if desired. The Tenants stated that they intended to move out of the unit and had found another rental unit but that the new tenancy would not start until June 1, 2011 for that unit. The Landlord indicated that the application would be withdrawn and the tenancy could continue to May 31, 2011 if the Tenants moved out on that date. The parties reached an agreement to settle their dispute that would allow the tenancy to continue until May 31, 2011.

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 will withdraw the application and the tenancy will continue until May 31, 2011.**
- 2. The Tenants will stay in the unit and move out on May 31, 2011.**
- 3. The Landlord will convey to the neighbouring tenant apologies from the Tenants and a better understanding of the medical and psychological problems facing the one Tenant on her road to recovery.**
- 4. These terms comprise the full and final settlement of all aspects of this dispute for both parties.**

Conclusion

The Landlord's application is withdrawn and the tenancy will continue as set out on the above mutually agreed upon terms.

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 27, 2011.

Residential Tenancy Branch