



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC LRE RR FF

Introduction

This hearing dealt with an Application for Dispute Resolution under the *Residential Tenancy Act* (the “*Act*”) by the tenants to order the landlords to comply with the *Act*, regulation, or tenancy agreement; suspend or set conditions on the landlord’s right to enter the rental unit; allow the tenants to reduce rent for repairs, services or facilities agreed upon but not provided; and to recover the filing fee.

Both parties appeared, gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions to me.

Issue(s) to be Decided

- Should the landlords be ordered to comply with the *Act*, regulation, or tenancy agreement?
- Should an order to suspend or set conditions on the landlords’ right to enter the rental unit be granted?
- Should the tenants be permitted to reduce rent for repairs, services or facilities agreed upon but not provided?
- Should the tenants recover the filing fee?

Settlement Agreement

Section 63 of the *Act*, states:

Opportunity to settle dispute

63 (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 an order.

During the hearing, a mutual agreement between the tenants and the landlords was reached. The agreement is that the landlords will not permit an open house at the rental unit more than once every second Saturday from 2:00 p.m. to 4:00 p.m., until the home

sells with the next open house scheduled for June 16, 2012. Furthermore, the landlords agree that all open house appointments will be in accordance with the *Act*, including prior written notice provided at least 24 hours in advance of each open house scheduled. The landlords agreed to schedule any monthly inspections at either prior to or following an open house appointment and will provide prior written notice in accordance with the *Act*.

As the tenants were successful in their application, I find they are entitled to the recovery of the filing fee. For the benefit of both parties, I have included *A Guide for Landlords and Tenants in British Columbia* with my Decision.

Conclusion

By a mutually settled agreement by both parties, the landlord and the landlords' agent(s) will respect the quiet enjoyment of the tenants within the rental unit and will only enter the premises in accordance with the *Act*.

As the tenants were successful in their application, I find that the tenants are entitled to monetary compensation pursuant to section 67 of the *Act*, in the amount of **\$50.00** to recover the filing fee. **I order that the \$50.00 filing fee be deducted from the tenants' July 2012 rent.** I dismiss all other aspects of the tenants' application with leave to reapply.

This decision is final and binding on the parties, unless otherwise provided under the *Act*, and 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: June 8, 2012

Residential Tenancy Branch