Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:
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Introduction

This hearing was convened in response to an application by the tenant respecting compensation for an alleged breach of their right to quiet enjoyment pursuant to **Section 28** of the *Residential Tenancy Act* (the Act) – which states as follows:

Protection of tenant's right to quiet enjoyment

> **28** A tenant is entitled to quiet enjoyment including, but not limited to, rights to the following:
>
> > (a) reasonable privacy;
> >
> > (b) freedom from unreasonable disturbance;
> >
> > (c) exclusive possession of the rental unit subject only to the landlord's right to enter the rental unit in accordance with section 29 *[landlord's right to enter rental unit restricted]*;
> >
> > (d) use of common areas for reasonable and lawful purposes, free from significant interference.

The tenant claims noise resulting from the landlord's renovation work inside the residential property in the months of October and November 2012 caused an unreasonable disturbance to the tenant and their tenancy.

Both parties testified that they had provided one another with a quantum of evidence, of which none was received by the branch. None the less, during the course of the hearing the parties discussed their dispute and agreed to fully settle the issue in dispute to the full satisfaction of both parties, and that I record their settlement as per Section 63 of the Residential Tenancy Act, as follows:

1. the tenant and landlord agree that **the landlord will compensate the tenant $200.00.**

Conclusion

So as to perfect this agreement, **I Order** that the tenant may reduce a future rent payment by a one-time amount of **$200.00**, in full satisfaction of the agreed amount.

This Settlement and Decision is final and binding on both parties.

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: January 09, 2013.

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Residential Tenancy Branch