



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNC, CNR, O

### Introduction

This hearing was convened in response to an application by the Tenant pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order cancelling the notices to end tenancy - Section 46 and 47; and
2. Other.

Both Parties attended the conference call hearing. At the outset, both Parties indicated their desire to reach an agreement to resolve the dispute and during the Hearing did reach a settlement agreement.

### Settlement Agreement

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 forgive the unpaid rent owed for February, March and April 2013 in the amount of \$1,350.00;**

- 2. The Tenant will pay the Landlord \$450.00 representing the remainder of rent owing for May 2013 and this payment will be made on or before the end of the business day on May 10, 2013;**
- 3. The Landlord will continue to pursue resolution of the noise problem caused by the lower tenants;**
- 4. The tenancy will continue and rent will be payable as required under the tenancy agreement in the amount of \$900.00 per month; and**
- 5. These terms comprise the full and final settlement of all aspects of this dispute for both Parties.**

Conclusion

The Parties have resolved the dispute as set out above on the 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: May 08, 2013

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Residential Tenancy Branch