



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding GREATER VICTORIA HOUSING SOCIETY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC

Introduction

This hearing was scheduled to deal with a tenant's application to cancel a 1 Month Notice to End Tenancy for Cause issued on November 8, 2013. Both parties appeared or were represented at the hearing and were provided the opportunity to make relevant submissions, in writing and orally pursuant to the Rules of Procedure, and to respond to the submissions of the other party.

At the outset of the hearing the landlord requested that I mediate the dispute between the parties rather than proceed with eviction proceedings at this time. The tenant was agreeable to the landlord's request. Accordingly, I considered the 1 Month Notice as being withdrawn.

After both parties had an opportunity to be heard, the parties reached a mutual agreement that I have recorded by way of this decision.

Issue(s) to be Decided

What are the terms of the mutual agreement?

Background and Evidence

The parties mutually agreed to the following terms during the hearing:

1. The tenant will organize and/or remove his possessions, as appropriate, so as to reduce the incidents of tripping over his possessions and disturbing the occupant residing in the rental unit below his.
2. The tenant will permit the landlord to inspect the rental unit to evaluate the volume and/or organization of possessions in his rental unit upon receiving proper notice of entry or giving permission for the landlord to enter the rental unit.

3. The tenant shall use headphones while listening to TV, music, or other noise emitted devices between the hours of 11:00 p.m. and 7:00 a.m.
4. The tenant is now fully aware and is considered duly cautioned that further noise disturbances may be grounds for eviction.

Analysis

Pursuant to section 63 of the Act, I have the authority to assist parties in reaching a settlement agreement during the hearing and to record a settlement agreement in the form of a decision or order.

I have accepted and recorded the mutual agreement reached by the parties during this hearing and make the terms an Order to be binding upon both parties.

The landlord remains at liberty to issue another Notice to End Tenancy to the tenant in the future, as appropriate in the circumstances.

Conclusion

The parties reached a mutual agreement in an effort to resolve their dispute. I have recorded the mutual agreement in this decision and I have made the terms an order to be binding upon 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: February 04, 2014

Residential Tenancy Branch

