



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

FINAL DECISION

Dispute Codes Tenant: CNC, CNR, MNDC, OLC, FF
Landlords: MNDC, FF

Introduction

The hearing originally dealt with the tenant's Application for Dispute Resolution seeking to cancel two notices to end tenancy and for a monetary order. The original hearing was convened on December 16, 2013 and an interim decision was issued on December 18, 2013. This decision must be read in conjunction with the interim decision of December 18, 2013.

That decision granted the landlord an order of possession and adjourned the tenant's monetary claim for disruption of life and angst caused by the landlords to be heard at the reconvened hearing held on February 7, 2014.

The original hearing (December 16, 2013) was conducted via teleconference and was attended by the tenant; both landlords and their agent. The reconvened hearing (February 7, 2014) was also conducted via teleconference and was attended by the tenant and both landlords.

During the interlude the landlords submitted their own Application for Dispute Resolution seeking compensation for disruption of life angst and anxiety caused by the tenant.

Contrary to Residential Tenancy Branch (RTB) policy the files were set up as cross applications. RTB does not allow a new Application to be crossed with proceedings that are underway (including adjourned proceedings) unless specific written direction is provided by the Arbitrator. No such instruction had been provided.

At the start of the reconvened hearing I advised both parties that I would not be hearing the landlords' Application at this time but rather that I would be dismissing their Application with leave to reapply at a future date.

Once this issue was identified the parties came to a settlement as is documented below in this decision document. As this settlement relates to both parties' separate Applications for monetary claims and despite my previous verbal ruling that I would not hear the landlords' Application I have written the agreement/decision to include both Applications.

Issue(s) to be Decided

The issues to be decided are whether the tenant is entitled to a monetary order for compensation for loss of quiet enjoyment and termination of services and to recover the filing fee from the landlords for the cost of the Application for Dispute Resolution, pursuant to Sections 27, 28, 67, and 72 of the *Residential Tenancy Act (Act)*.

It must also be decided if the landlords are entitled to a monetary order for disruption life, angst and anxiety and to recover the filing fee from the tenant for the cost of the Application for Dispute Resolution, pursuant to Sections 67, and 72 of the *Act*.

Background and Evidence

As noted above the parties came to the following settlement:

1. The tenant agrees to withdraw the portion of his Application seeking a monetary order;
2. The landlords agree to withdraw their entire Application seeking a monetary order;
3. The parties agree that no further action or claims will be made by either party against the other party in relation to any matters resulting from the tenancy that ended December 31, 2013 as per the order granted in the Interim Decision of December 18, 2013.

Conclusion

Based on the agreement of both parties I accept that this settlement agreement concludes all tenancy matters between these 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 18, 2014

Residential Tenancy Branch

