



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Codes: MNDC, OLC

Introduction:

The tenant has applied for a monetary Order for compensation arising from the alleged breach of the landlord's covenant of quiet enjoyment as a result of noise disturbances emanating from suite 317, compensation for out of pocket expenses, and an Order that the landlord comply with the Act. Both parties attended the hearing.

Facts:

A tenancy began on June 30, 2013 with rent in the amount of \$ 560.00.

Settlement:

The parties settled this matter and I have recorded the agreement pursuant to section 63(2) as follows:

- a. The landlord agrees to find an alternate unit for the tenant of unit 317 to move to by January 31, 2016, or alternatively to serve the tenant in unit 317 with a Notice to End the Tenancy for Cause by January 31, 2016, and
- b. The tenant agrees that her claims herein will be dismissed with leave to reapply should the landlord not comply with the terms of this settlement but those claims shall be restricted to any events occurring after May 29, 2014 as per a previous decision.

Conclusion:

As a result of the settlement I have dismissed with leave to reapply all of the tenant's applications herein. Should the tenant reapply for similar relief because the landlord does not comply with the terms of this settlement, such claims shall be restricted to events occurring after May 29, 2014 as per a previous decision. There will not be any recovery of the filing fee as it was not part of the settlement agreement.

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: August 26, 2015

Residential Tenancy Branch

