



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Silver's Avalon Hotel
and [tenant name suppressed to protect privacy]

RECORD OF SETTLEMENT

Dispute Codes CNC

This hearing was convened to address a claim by the tenant for an order setting aside a notice to end this tenancy. The hearing was initially set to take place on January 8 and was adjourned by consent in order to permit the parties to investigate opportunities for settlement. On January 12, the hearing reconvened and the parties advised that they have settled the matter at issue on the following terms:

- The notice to end tenancy dated October 29, 2015 is withdrawn by the landlord;
- The parties agreed that the tenant should be subject to an order from the Director of the Residential Tenancy Branch to moderate his behaviour in the rental unit and on the residential property; and
- If the tenant fails to comply with this order, the landlord is free to serve him with another notice to end tenancy for cause and may include as grounds for the notice a failure to comply with the order of the Director.

Section 47(1)(l) of the Act provides the following grounds to end a tenancy:

(l) the tenant has not complied with an order of the director within 30 days of the later of the following dates:

- (i) the date the tenant receives the order;
- (ii) the date specified in the order for the tenant to comply with the order.

The parties have agreed that in the event that the tenant is again disruptive and resistant to the landlord's efforts to quiet him, a designated third party, a tenant advocacy group, will act as an intermediary between the parties.

The landlord should first attempt to communicate with the tenant and request that he discontinue the disruption. If the tenant does not comply, the landlord should summon

the third party who will recommend a course of action for the tenant to take which will stop the disruption. This recommendation may range from simply instructing the tenant to keep his voice down and close the door to his rental unit to instructing him to leave the building until he is calm enough to return. In order to ensure that both parties are clear as to the instruction of the third party, it is advisable for the third party to confirm his instruction in writing and ensure both the landlord and tenant are given copies. It is also advisable for the tenant to provide a copy of this settlement agreement to the third party so they are aware of the expectation which has been placed upon them.

I hereby order the tenant to comply with the instruction of the designated third party when this party is summoned by the landlord to act as an intermediary. The tenant should comply with this order on the same date the instruction is provided to the tenant by the third party.

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 15, 2016

Residential Tenancy Branch

