



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding METRO VANCOUVER HOUSING CORP.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* ("the Act") for cancellation of the landlord's 1 Month Notice to End Tenancy for Cause pursuant to section 47.

Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, and to make submissions. Both parties confirmed receipt of the other's evidentiary submissions for this hearing. The landlord called a witness to provide testimony. Before the conclusion of this hearing, the parties discussed the issues between them, engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

Background and Evidence

At the outset of this hearing, the landlord testified that she has received complaints from one "occupant" regarding this tenant and his family. That occupant testified at this hearing. He explained that he is the son in law of the occupant who lives below the tenant and his family. He testified that his father in law is bothered by the noise of the tenant and his family.

The tenant testified that his carpet floor is damaged floor requiring new carpet in the rental unit. He testified that this affects the noise level that the downstairs occupant/neighbor may hear. Throughout the course of this hearing, the landlord suggested ways to resolve this matter. Both parties were able to reach a mutually satisfactory agreement with respect to this matter. If the terms of the settlement cannot be met, the landlord provided sworn testimony that she would assist the tenant in finding new housing by providing support and resources. To that end, the tenant testified that he has an open housing file and will advise the landlord of the details of said file to assist in finding future accommodations.

Analysis

Pursuant to section 63 of the *Act*, the Arbitrator may assist the parties to settle their dispute and if the parties settle their dispute during the dispute resolution proceedings, the settlement may be recorded in the form of a decision or an order. Given the 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 agreed as follows:

1. The tenant(s) agreed to ensure that all tenant possessions currently on the balcony of the rental will be removed on or before May 1, 2016 at four in the afternoon.
2. The landlord agreed to install new carpets with thick underlay within the rental unit.
3. The landlord agreed to advise the tenant(s) two days prior to the carpet installation date.
4. The tenant(s) agreed to ensure that all items within the rental unit main living area are moved to the balcony one day prior to the date the landlord provides for carpet installation.
5. The landlord agreed to advise the tenant of any complaint by the other occupants of the residential premises.
6. The tenant(s) agreed that, if the landlord receives a complaint from another occupant within a one month time period after the installation of the carpet, the tenant will vacate the rental unit at the end of the following month (from the date the landlord advises the tenant of complaint).
7. These terms comprise the full and final settlement of all aspects of this dispute for both parties.

Conclusion

To give effect to the settlement reached between the parties, I issue the attached Order of Possession to be used by the landlord **only if** the tenant fails to vacate the residence in accordance with the above agreement.

The landlord is provided with this Order in the above terms and the tenant(s) must be served with this Order in the event that the tenant(s) do not vacate the premises in accordance with the agreement within this decision. Should the tenants fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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: April 25, 2016

Residential Tenancy Branch