



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: MNR, OLC, RP, FF

### Introduction:

The tenant applied for compensation for loss of quiet enjoyment, and an Order to compel the landlord to make repairs. Both parties were represented at the conference call hearing.

### Facts:

A fixed term tenancy began on October 1, 2014 which was to end on March 15, 2015, however I found that the tenancy continued on a month to month basis or that the landlord created a new month to month tenancy by accepting rental payments beyond the fixed term. Rent is in the amount of \$ 850.00. The landlord decommissioned the elevator and the upstairs tenant was disturbing the tenant.

### Settlement:

The parties settled this matter and I have recorded the agreement pursuant to section 63(2) that the landlord agree to the following terms which all are to be completed by November 30, 2014:

- a. The landlord agrees to compensate the tenant in the amount of \$ 500.00 for loss of quiet enjoyment caused by the upstairs tenant to the date of hearing,
- b. The landlord will take all steps to stop all disturbances from the upstairs tenant or will issue those tenants a Notice to End the Tenancy for Cause by June 30, 2016,

- c. The landlord agrees to pay the tenant \$ 80.00 for the loss of the use of the elevator from March 2016 to date and that the tenant's rent will be reduced by further \$ 20.00 per month thereafter as ongoing compensation for the loss of that service,
- d. The landlord agrees to pay the tenant's filing fee herein of \$ 100.00, and
- e. The tenant will be permitted to deduct \$ 700.00 from her next rental payment to satisfy paragraphs a. and c. aforementioned and a further \$ 20.00 each month thereafter.

Conclusion:

As a result of the settlement I have permitted the tenant to deduct \$ 700.00 from her next rental payment to satisfy paragraphs a. and c. aforementioned and a further \$ 20.00 each month thereafter. The tenant is permitted to reapply for compensation if the landlord does not comply with paragraph b. herein.

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: June 14, 2016

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Residential Tenancy Branch