



DECISION

Dispute Codes

CNC FF

Introduction

This hearing dealt with an application by the tenant pursuant to the *Residential Tenancy Act* ("the Act") for orders as follows:

- to cancel a 1 Month Notice to End Tenancy given for Cause ("1 Month Notice") pursuant to section 47 of the *Act*; and
- a return of the filing fee pursuant to section 72 of the *Act*.

Background and Evidence

Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to make submissions, to call witnesses and to cross-examine one another.

The landlord confirmed receipt of the tenant's application for dispute resolution hearing package ("Applications"). In accordance with section 89 of the *Act*, I find that both the landlord was duly served with the Application.

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. During the hearing the parties discussed the issues between them, turned their minds to compromise and achieved a resolution of their dispute.

Both parties agreed to the following final and binding settlement of all issues currently under dispute at this time:

- 1) The landlord agreed to withdraw the 1 Month Notice to End Tenancy for Cause issued on February 10, 2017.
- 2) The tenant agrees to write an apology letter concerning the disturbance he caused on February 5, 2017. This letter will be handed to VK, the Residential Manager by March 31, 2017.
- 3) The tenant agrees to provide a letter to VK acknowledging that this hearing compromises his final warning concerning any issues surrounding noise

complaints. The tenant agrees to vacate the property should the landlord receive any further formal complaints regarding his music disturbing others. This letter is to be received by VK by March 31, 2017.

- 4) Both parties agreed that a formal complaint for the purposes of this settlement must be in writing.
- 5) The parties shall cover their own costs related to the filing fee associated with this Application.

These particulars comprise the full and final settlement of all aspects of this dispute for both parties. Both parties testified at the hearing that they understood and agreed to the above terms, free of any duress or coercion. Both parties testified that they understood and agreed that the above terms are legal, final, binding and enforceable, which settle all aspects of this dispute and all issues arising out of this tenancy at this time.

Conclusion

The landlord's 1 Month Notice issued on February 10, 2017 is withdrawn.

The tenant acknowledges this settlement is his final warning concerning noise from music and the landlord will pursue an Order of Possession should any formal complaints be received.

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: March 20, 2017

Residential Tenancy Branch