



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes            CNC, FF, O

### Introduction

This hearing dealt with a tenant's Application for Dispute Resolution (the "Application") under the Residential Tenancy Act (the "Act") for:

- cancellation of the landlord's One Month Notice To End Tenancy for Cause (the "One Month Notice");
- recovery of the filing fee paid for this application from the landlord; and
- unspecified other relief.

The landlord and the landlord's spouse (the "landlord") appeared at the teleconference hearing and gave affirmed testimony. The tenant appeared at the teleconference hearing and gave affirmed testimony.

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, engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

During the course of the hearing, the parties reached an agreement to settle this matter, on the following conditions:

1. The tenant will vacate the rental unit by June 30, 2017 at 1:00 p.m.;
2. The tenant will not make any complaints to the landlord about noise from the upstairs tenants;
3. Subject to #2 above, if the tenant has any other complaints about the upstairs tenants, the tenant will make those complaints directly to the landlord and not the upstairs tenants;
4. Subject to #2 above, if there is a complaint by the tenant about the upstairs tenants, the tenant will notify the landlord between the hours of 8:00 a.m. and 9:00 p.m.;
5. The tenant will not touch the furnace;

6. The tenant will not call the R.C.M.P. to complain about noise from the upstairs tenants; and
7. The parties agree that the landlord will be granted a conditional order of possession effective two (2) days after service on the tenant which will be of no force or effect if the tenant successfully complies with the above terms. If the tenant fails to comply with the above terms, the order of possession will be of full force and effect and may be served upon the tenant.

The tenant did not raise the filing fee in the settlement discussions giving rise to the mutual settlement. As this matter was settled, I decline to award the tenant recovery of the filing fee for the cost of their application.

### Conclusion

I order the parties to comply with the terms of their settlement agreement described above.

The landlord has been granted a conditional order of possession effective two (2) days after service on the tenant, which will be of no force or effect if the tenant successfully complies with the terms of this settlement agreement. If the tenant fails to comply with the terms of this settlement agreement, the order of possession will be of full force and effect and may be served upon the tenant.

Should the landlord need to enforce the order of possession, the landlord must serve the order of possession on the tenant and the order of possession may be filed in the Supreme Court of British Columbia and enforced as an order of that Court. If the tenant successfully complies with the terms of this settlement, the tenancy will continue until June 30, 2017 at 1:00 p.m.

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 23, 2017

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Residential Tenancy Branch