



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding PHS Community Services  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNC

### Introduction

This hearing was convened by way of conference call concerning an application made by the tenant seeking an order cancelling a notice to end the tenancy for cause.

The hearing did not conclude on the first day scheduled and was adjourned by consent. My Interim Decision was provided to the parties.

An agent for the landlord and the tenant attended on both scheduled dates, and the tenant was accompanied by a Legal Advocate.

During the course of the hearing, the parties agreed to settle this dispute in the following terms:

1. the notice to end the tenancy given by the landlord is cancelled and the tenancy continues;
2. the tenant will not make any construction noise or excessive noise between the hours of 10:00 p.m. and 9:00 a.m., including, but not limited to use of power tools, hammering and sawing;
3. the tenant will not carry out any construction in the common areas of the building.;
4. the tenant will not store any personal items in the common areas of the building.;
5. the tenant will not damage any part of the premises beyond reasonable wear and tear;
6. the landlord will have staff verify noise or other complaints made against the tenant wherever possible rather than relying on information provided to the landlord or the landlord's agents by other tenants;
7. If there are noise complaints against the tenant outside the hours of 10:00 p.m. and 9:00 a.m., the parties agree to mediate and if a mediation agreement cannot be reached, the landlord will be at liberty to issue a new notice to end the tenancy.

The parties confirmed at the end of the hearing that this agreement was made on a voluntary basis and that the parties understood the nature of this full and final settlement of this matter.

Conclusion

For the reasons set out above, and by consent, the One Month Notice to End Tenancy for Cause dated February 14, 2017 is hereby cancelled and the tenancy continues.

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

This order is final and binding and may be enforced.

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 18, 2017

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Residential Tenancy Branch