



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Optimum Realty Inc
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes DRI, MNDC, OLC, FF

Introduction

This hearing was convened by way of conference call concerning an application made by the tenant disputing an additional rent increase, and seeking a monetary order for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement; an order that the landlord comply with the *Act*, regulation or tenancy agreement; and to recover the filing fee from the landlord for the cost of the application.

The landlord and the tenant were both represented by agents.

At the commencement of the hearing the parties agreed to settle this dispute in the following terms:

1. The tenancy continues, and the tenant's agent is permitted to move into the rental unit as a co-occupant with the tenant without additional rent or fee;
2. The tenants will place additional carpeting on the living room and bedroom floors to reduce noise for the occupants below;
3. The tenants will be notified if another rental unit on the 1st or 2nd floor becomes available, which may be more or less rent than rent for this rental unit, and if the tenants do not accept the newer rental unit, the tenants must notify the landlord in writing of the reason;
4. If the tenants do not move into another rental unit in the complex within a year from today, the tenancy will end;
5. If no rental units become available within a year from /today, the tenancy continues until another rental unit becomes available;
6. If the landlord receives noise complaints from the occupants residing in the rental unit below this rental unit, and the tenants have refused another rental unit offered by the landlord, the landlord may issue a notice to end the tenancy for breach of this agreement.

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.

Since the parties have settled this dispute, I decline to order that the tenant recover the filing fee.

Conclusion

For the reasons set out above, I hereby order the parties to comply with the settlement agreement as set out 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: November 21, 2017

Residential Tenancy Branch