



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC, MNDC

### Introduction

The Application for Dispute Resolution filed by the Tenant makes the following claims:

- a. An order to cancel a one month Notice to End Tenancy dated August 4, 2017.
- b. An monetary order in the sum of \$3700 for the breach of the covenant of quiet enjoyment.

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the one month Notice to End Tenancy was personally served on the Tenant on August 4, 2017. Further I find that the Application for Dispute Resolution/Notice of Hearing was personally served on the landlord on August 14, 2017. With respect to each of the applicant's claims I find as follows:

### Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the tenant is entitled to an order to cancel a one month Notice to End Tenancy dated August 4, 2017?
- b. Whether the tenant is entitled to a monetary order for the reduced value of the tenancy and if so how much?

### Background and Evidence

The tenancy began on December 1, 2016. The tenancy agreement provided that the tenant(s) would pay rent of \$800 per month payable on the first day of each month. The tenant(s) paid a security deposit of \$400 at the start of the tenancy. The rent was subsequently reduced to \$700 per month in early 2017.

The tenant seeks a monetary order in the sum of \$3700 on the basis the landlord has failed to take reasonable steps to control noise and disturbances caused by neighboring tenants. The landlord disputes this claim.

Settlement:

At the end of the hearing the parties reached a settlement and they asked that I record the settlement pursuant to section 63(2) of the Residential Tenancy Act as follows:

- a. The parties mutually agree to end the tenancy on November 30, 2017.
- b. The parties request that the arbitrator grant an Order of Possession that was effective at 7:00 p.m. on November 30, 2017.
- c. The Tenant shall be entitled to remain in the rental unit for the month of November rent free.
- d. In addition the landlord shall pay to the Tenant the sum of \$500 payable on November 30, 2017.
- e. This is a full and final settlement of all claims each party has to the date of the hearing and each party releases and discharges the other from all of those claims.
- f. The issue about the return of the security deposit and possible damage to the rental unit shall be dealt with in accordance to the Residential Tenancy Act.

Order for Possession:

As a result of the settlement I issued an Order of Possession effective at 7:00 p.m. on November 30, 2017.

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

Monetary Order

I ordered the landlord(s) to pay to the tenant the sum of \$500 by November 30, 2017.

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial Court and enforced as an Order of that Court.

**This decision is final and binding on the parties.**

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 01, 2017

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Residential Tenancy Branch