



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MNSD, MNDC, FF, O

Introduction

This hearing was convened in response to the Tenant's Application for Dispute Resolution, in which the Tenant has applied to recover the security deposit, for a monetary Order for money owed or compensation for damage or loss, for "other", and to recover the fee for filing this Application for Dispute Resolution. At the hearing the Tenant stated that the security deposit has been returned and she withdrew her application to recover that deposit.

The Tenant stated that on July 06, 2017 the Application for Dispute Resolution and the Notice of Hearing were sent to the Landlord, via registered mail. Legal Counsel for the Landlord acknowledged receipt of these documents.

On July 12, 2017 the Landlord submitted evidence to the Residential Tenancy Branch. Legal Counsel for the Landlord stated that this evidence was served to the Tenant, via registered mail, on July 12, 2017. The Tenant acknowledged receiving this evidence and it was accepted as evidence for these proceedings.

The Tenant stated that she submitted evidence to the Residential Tenancy Branch on, or about, July 06, 2017. The Tenant stated that on July 06, 2017 this evidence was sent to the Landlord, via registered mail. Legal Counsel for the Landlord acknowledged receipt of these documents.

The parties were advised that I was not in possession of the Tenant's evidence. With the consent of the Tenant I proceeded with the hearing, with the understanding the hearing would be adjourned if it became necessary for me to view the Tenant's evidence. The hearing was concluded without the need for an adjournment.

On December 12, 2017 the Landlord submitted a written submission to the Residential Tenancy Branch. Legal Counsel for the Landlord stated that this submission was served to the Tenant, via registered mail, on December 12, 2017. The Tenant acknowledged receiving this submission.

The parties were given the opportunity to present relevant oral evidence, to ask relevant questions, and to make relevant submissions. The parties were advised of their legal obligation to speak the truth during these proceedings.

Preliminary Matter

With the consent of both parties, the Application for Dispute Resolution was amended to reflect the correct name of the Landlord, which appears on the first page of this decision.

Issue(s) to be Decided

Is the Tenant entitled to a compensation for a loss of quiet enjoyment?

Background and Evidence

At the outset of the hearing the parties mutually agreed to settle all issues in dispute at these proceedings under the following terms:

- the Landlord will pay the Tenant \$500.00;
- the Tenant will receive a monetary Order for \$500.00; and
- the Tenant will sign a release and confidentiality agreement in regards to this matter, which will be provided to her by the Landlord.

Prior to entering into this settlement agreement, the parties were advised of the amounts I awarded in a similar matter at a previous dispute resolution hearing. Both parties indicated they were interested in hearing this information prior to considering a settlement agreement.

The settlement agreement was summarized for the parties on at least two occasions and both parties indicated that they agreed to resolve this dispute under these terms.

The Landlord and the Tenant acknowledged that they understand they were not required to enter into this agreement and that they understood the agreement was final and binding.

Analysis

This matter had been settled in accordance with the aforementioned settlement agreement.

Conclusion

On the basis of the settlement agreement, I grant the Tenant a monetary Order for \$500.00. This Order may be served on the Landlord, filed with the Province of British Columbia Small Claims Court, and enforced as an Order of that Court.

This settlement agreement is recorded on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: December 21, 2017

Residential Tenancy Branch