



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding OPTIMUM REALTY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ERP, RP, FF

Introduction

This hearing dealt with an application by the tenant pursuant to the *Residential Tenancy Act* for an order directing the landlord to carry out repairs. The tenant also applied for the recovery of the filing fee.

Both parties attended the hearing and were given full opportunity to present evidence and make submissions. The parties acknowledged receipt of evidence submitted by the other and gave affirmed testimony.

Issues to be decided

Is the landlord negligent with regard to maintenance of the rental unit? Is the tenant entitled to the recovery of the filing fee?

Background and Evidence

The tenancy started on November 01, 2017. The monthly rent is \$1,350.00. The rental unit consists of an apartment in a building complex. The tenant testified that at the start of tenancy, he complained to the manager about the noisy garage door which was affecting his quiet enjoyment of the rental unit. The complaints were verbal. The parties agreed that at the time of the hearing the problem had already been resolved. The tenant requested the landlord to check out a ticking sound in the bedroom which was ongoing and continuous. The landlord agreed to do so.

During the hearing, the reasons for the tenant's application for dispute resolution and possible solutions were discussed at length. During this discussion the parties engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

Analysis

Pursuant to Section 63 of the *Residential Tenancy Act*, the Arbitrator may assist the parties 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 this hearing, the parties reached an agreement to settle their dispute under the following terms.

- The landlord agreed to have a plumber investigate the ticking sound in the tenant's bedroom within the next ten days (by March 18, 2018) and have it taken care of as soon as possible.
- The landlord agreed to accept a one-time deduction of \$100.00 off rent that is due on April 01, 2018, to compensate the tenant for the filing fee.
- Both parties acknowledged that they understood and agreed with the above terms of their agreement.

Conclusion

The tenant and the landlord have reached a settled agreement, as recorded above. This settlement agreement was reached in accordance with section 63 of the *Residential Tenancy Act*. The parties are bound by the terms of this agreement, as well as by the terms of their tenancy agreement and the Act. Should either party violate the terms of this settled agreement, the tenancy agreement or the Act, it is open to the other party to take steps under the Act to seek remedy.

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 08, 2018

Residential Tenancy Branch