



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC FF

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62;
- authorization to recover the filing fee for this application pursuant to section 72.

All named parties attended the hearing.

The issue at hand in this application was that the tenants were seeking the landlord to comply with the Act and preserve their right to quiet enjoyment. The tenants were alleging the other tenants residing in the lower level of the rental house were causing unreasonable disturbances.

At the outset of the hearing, the tenant advised that the landlord has since reached a mutual agreement to end the tenancy with the lower level tenants. The landlord confirmed that the lower level tenants had a fixed term agreement expiring on April 30, 2018 and he reached a mutual agreement to end their tenancy two months after this date, June 30, 2018. The landlord stated this date was agreed upon as it allowed for the other tenants children to finish out the school year.

As the matter in dispute in this application appears to be coming to a resolve in a short period of time, I make no findings or orders on the merits of this application.

The tenant requested monetary compensation for the loss suffered as a result of the landlord's alleged breach of their right to quiet enjoyment over the duration of their tenancy. The tenant was advised that the application before me did not include the particulars of any such claim and that he would be required to make a separate application for such a claim.

The tenant's application requesting an order for the landlord to comply with the Act is dismissed. As I made no finding on the merits of the application, the tenant is not entitled to recover the filing fee paid for this application.

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: May 09, 2018

Residential Tenancy Branch