



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC

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.

DL and JG appeared as agents on behalf of the landlord in this hearing, and had full authority to do so. Both parties were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The landlord confirmed receipt of the tenant's dispute resolution application ('Application') and evidence. In accordance with sections 88 and 89 of the *Act*, I find that the landlord was duly served with the Application and evidence. The landlord did not submit any evidence for this hearing.

Issues(s) to be Decided

Are the tenants entitled to an order for the landlord to comply with the *Act*, regulation, or tenancy agreement?

Background and Evidence

This month-to-month tenancy began on October 1, 2004. The tenant testified that he has written many letters to the landlord about the excessive noise from the upstairs unit.

The tenant requested that the landlord perform an inspection to investigate the noise, which the tenant testified was coming from the upstairs unit.

The landlord testified during the hearing that the upstairs tenant moved out on June 1, 2018. The tenant testified that he was still hearing noises despite this.

Analysis

Pursuant to section 63 of the *Act*, the Arbitrator may assist the parties to 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 the hearing the parties discussed the issues between them, turned their minds to compromise and achieved a resolution of their dispute.

Both parties agreed to the following final and binding settlement of all issues currently under dispute at this time:

1. The landlord agreed to accompany the tenant immediately after the hearing to investigate the noise complaint by allowing the tenant access to view the upstairs unit and confirm that the unit is indeed vacant.
2. The tenant agreed to withdraw his application as the matter is now resolved.

These particulars comprise the full and final settlement of all aspects of this dispute for both parties. Both parties testified at the hearing that they understood and agreed to the above terms, free of any duress or coercion. Both parties testified that they understood and agreed that the above terms are legal, final, binding and enforceable, which settle all aspects of this dispute.

Conclusion

As the landlord agreed to allow the tenant access and accompany the tenant to confirm that the upstairs unit is vacant, the tenant agreed to withdraw his 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: July 5, 2018

Residential Tenancy Branch