



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding AXIS ASSET MANAGEMENT and
[tenant name suppressed to protect privacy]

DECISION

Dispute Codes **FFT OLC**

Introduction

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

An order for the landlord to comply with the Act, Regulations or Tenancy Agreement pursuant to section 62;
Authorization to recover the filing fee from the landlord pursuant to section 72.

Issue(s) to be Decided

Has the landlord complied with the Act, Regulations or Tenancy Agreement?
Can the tenant recover the filing fee for this application from the landlord?

Background and Evidence

The tenant testified the source of his complaint was his neighbour, another tenant, who causes disturbances into the early hours of the morning, affecting his quiet enjoyment. The landlord testified the neighbour was served with a One Month Notice to End Tenancy for Cause with an effective (move-out) date of April 9, 2019. The landlord is 90% confident the neighbour will be out of the building by April 9, 2019.

In light of this, the tenant agreed to have his application dismissed with leave to reapply should the neighbour remain in the building beyond April 9, 2019.

Settlement

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 tenant's application is dismissed with leave to reapply.
2. The landlord will reduce the tenant's rent for the month of May 2019 by \$50.00, representing one half the filing fee paid by the tenant to commence this action.

Conclusion

The tenant's application is dismissed with leave to reapply.

The landlord will reduce the tenant's rent for the month of May 2019 by \$50.00, representing one half the filing fee paid by the tenant to commence this action.

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: April 04, 2019

Residential Tenancy Branch