



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC, FFT

Introduction

This hearing dealt with an application by the tenant under the *Residential Tenancy Act* (the Act) for:

- an order for the landlord to comply with the Act, the Residential Tenancy Regulations (the Regulations), and/or the tenancy agreement pursuant to section 62 of the Act; and
- an order requiring the landlord to reimburse the filing fee, pursuant to section 72 of the Act.

Tenant TB and Landlord's representative JP were present.

As both parties were in attendance, I confirmed that there were no issues with service of the tenant's application for dispute resolution. The landlord confirmed receipt of the tenant's application package and evidence package. In accordance with section 89(c) of the Act, I find the landlord was duly served with the tenant's application and evidence package. The landlord affirmed he was not able to serve the evidence submitted on March 15, 2020 because of the Covid-19 situation.

All parties were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

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, engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute regarding this application.

Both parties agreed to the following final and binding settlement of all issues listed in this application for dispute resolution:

- The Landlord will have a face to face meeting with tenant TB and the upstairs tenant. The landlord will discuss with both tenants the following issues:
 - No noise from 11:00 P.M. to 7:00 A.M.;
 - The noise level from 7:00 A.M to 11:00 P.M. will be reasonable;
 - No tenant has exclusive right to use the garden;
 - Both tenants will try their best to avoid contact with each other;
 - Both tenants will have a mutual and respectful relationship when they have contact;
 - The Landlord is going to contact Canada Post to get each tenant an individual mailbox;
- If tenant TB decides to move out in the next 60 days, the landlord will compensate tenant TB with \$300.00 for moving expenses.

Conclusion

As the parties have reached a settlement, I make no findings about the merits of this application. The parties settled all aspects of their dispute in the above terms.

This Decision and Settlement are final and binding.

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 23, 2020

Residential Tenancy Branch