



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC, PSF, AAT, FFT

Introduction

This hearing convened as a result of a Tenant's Application for Dispute Resolution filed on February 27, 2020, wherein the Tenant sought the following relief:

- an order for access to the rental unit;
- an order that the Landlord provide services or facilities;
- an Order that the Landlord comply with the *Residential Tenancy Act*, the *Residential Tenancy Regulation*, or the tenancy agreement; and
- recovery of the filing fee.

The hearing was conducted by teleconference at 11:00 a.m. on April 27, 2020.

Both parties appeared at the hearing. The hearing process was explained and the participants were asked if they had any questions. Both parties were provided the opportunity to present their evidence orally and in written and documentary form and make submissions to me.

Settlement and Conclusion

During the hearing the parties resolved most of the matters raised in the Tenant's Application by mutual agreement. The terms of their agreement are recorded in this my Decision and Order pursuant to section 63 of the *Residential Tenancy Act* and Rule 8.4 of the *Residential Tenancy Branch Rules of Procedure*. As the parties resolved matters by agreement, I make no findings of fact or law with respect to their relative claims.

The parties confirmed at the end of the hearing that this agreement was made on a voluntary basis and that the parties understood the nature of this full and final settlement of this matter.

The terms of their settlement follow.

Settlement

1. By no later than May 4, 2020, the Landlord shall designate a total of four parking spots in the driveway of the rental unit and the adjacent unit; two parking spots shall be designated for the Tenant and two parking spots shall be designated for the adjacent rental unit currently occupied by, D.E., In all cases, these designated parking spots shall not impede the Tenant's access to the entry to the rental unit or the garage.
2. The Landlord shall give the Tenant and D.E., 24 hours notice of the date they intend to designate the separate parking spots (and paint lines as the case may be) and the Tenant and D.E., shall remove their vehicles from the driveway for a period of 24 hours to ensure the paint dries.
3. The Tenant shall be permitted to park four vehicles on the residential property; two inside the garage, and two in designated spots in the driveway.
4. The Tenant shall have uninterrupted access to the garage, including both garage doors, for the purpose of parking two vehicles.
5. Should the Tenant, or D.E., wish to park more than two vehicles outside, they shall park them on the street.
6. Should either the Tenant, or D.E., have issues with the other, they shall communicate with the Landlord and not each other.
7. Should either the Tenant, or D.E., park outside their designated parking spots, this may result in the Landlord issuing a 1 Month to End Tenancy for Cause pursuant to section 47 of the *Act*.
8. The above terms shall be incorporated in the Tenant's tenancy agreement pursuant to section 14(2) of the *Residential Tenancy Act*.

9. The Tenant shall be entitled to recover \$50.00 of the \$100.00 filing fee and shall be permitted to reduce his next months' rent by \$50.00.
10. The Landlord shall provide a copy of this Decision to D.E.
11. The Landlord is at liberty to make an Application to the Residential Tenancy Branch to incorporate the above (as applicable) in any order with respect to their tenancy with D.E.

Due to time constraints the issue of the Tenant's request for an Order pursuant to section 65(1) of the *Act*, that the Landlord clean the carpets was not addressed during the hearing; as such, this claim is dismissed with leave to reapply.

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 27, 2020

Residential Tenancy Branch