



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes RR, PSF, OLC, FFT

Introduction

This hearing was convened in response to an application by the Tenant pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order for a rent reduction - Section 65;
2. An Order for the provision of facilities and services - Section 65;
3. An Order for the Landlord’s compliance - Section 62; and
4. An Order to recover the filing fee for this application - Section 72.

The Landlord and Tenant were each given full opportunity under oath to be heard, to present evidence and to make submissions.

Preliminary Matters

The Tenant confirms that its claims in relation to a rent reduction and the order of compliance are in relation to matters that were already dealt with in a Decision dated March 23, 2020. The Tenant withdraws these claims. The Parties confirmed that the only matters to be dealt with today is in relation to the claim for the provision of garbage and recycling facilities or services and in relation to a claim for the loss of quiet enjoyment since April 1, 2020.

The Parties settled these claims by reaching a mutual agreement as set out below.

Agreed Facts

The tenancy under written agreement began on March 1, 2020. Rent of \$1,500.00 is payable on the first day of each month. At the outset of the tenancy, the Landlord collected \$750.00 as a security deposit and \$300.00 as a pet deposit. The tenancy agreement includes the provision of garbage and recycling included with the rent.

Settlement Agreement

The Parties mutually agree as follows:

- 1. The Landlord will call the city department responsible for the provision of residential collection bins no later than June 16, 2020 and obtain a garbage, recycling and compost bin for the Tenant's own use no later than June 26, 2020;**
- 2. The Landlord will speak to the upper tenant about the continuing noise coming from their unit at all hours of the day and will, by no later than 5:00 p.m. on June 16, 2020, give this tenant a written warning letter that should it receive any further complaints from the Tenant about excessive noise at any time of the day, the Landlord will seek to end the upper tenant's tenancy;**
- 3. If the Tenant has any complaint about the behavior of the upper tenant the Tenant will inform the Landlord immediately and will not confront the upper tenant about these complaints; and**
- 4. These terms comprise the full and final settlement of all aspects of this dispute for both Parties.**

Section 63 of the Act provides that if the parties settle their dispute during dispute resolution proceedings, the director may record the settlement in the form of a decision or order. Given the mutual agreement reached during the Hearing, I find that the Parties have settled their dispute as recorded above and in the form of this decision. Should the Landlord fail to provide the bins as agreed or otherwise resolve the provision

of these services or facilities, the Tenant has leave to reapply for a rent reduction for the loss of these services or facilities from April 1, 2020 forward.

Conclusion

The Parties have settled the dispute.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: June 15, 2020

Residential Tenancy Branch