



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCT, 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; and
- a monetary order for compensation for damage or loss under the Act, regulation or tenancy agreement in the amount of \$33,460 pursuant to section 67.

The tenant attended the hearing. The landlord was represented at the hearing by its administrator ("**KM**") and its property manager ("**AD**"). All were given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

Preliminary Issue – Tenant's Surname

The application incorrectly lists the tenant's middle name as her surname. With consent of the parties, I amend the tenant's name listed on the application to include her correct surname (listed on the cover of this decision).

Preliminary Issue – Tenant's Application to Have Building Manager Fired

On her application, the tenant sought an order for the landlord to comply with the Act. She described this part of her claim as follows:

I want from [AP, the building manager] that works for [the landlord] to be fired from being the building manager of the building where I live and I want [AP] to move out of my building where I live also want loss of peace and joyment back for two years and three months. all . So no contact at all.

[as written]

In her amendment, she further particularized her compensation claim for loss of quiet enjoyment. I will address that claim below.

Section 62(4) of the Act states:

Director's authority respecting dispute resolution proceedings

(4) The director may dismiss all or part of an application for dispute resolution if

- (a) there are no reasonable grounds for the application or part,
- (b) the application or part does not disclose a dispute that may be determined under this Part, or
- (c) the application or part is frivolous or an abuse of the dispute resolution process.

I have no authority under the Act to fire or evict the building manager. As such, this part of the tenant's application does not disclose a dispute that may be determined under part 5 of the Act (*Resolving Disputes*). As such, I dismiss this portion of the tenant's application, without leave to reapply.

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, engaged in a conversation, 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:

1. The tenant will provide the landlord with vacant possession of the rental unit on or before June 30, 2021 at 1:00 pm.
2. The landlord will pay the tenant \$1,792.50 on the day the tenant provides it with vacant possession of the rental unit, so long as this date is before June 30, 2021.
3. A portion of the landlord's payment to the tenant represents the return of the full amount of the tenant's security deposit (\$597.50).

These particulars comprise the full and final settlement of all aspects of this dispute. The parties gave verbal affirmation at the hearing that they understood and agreed to the above terms as legal, final, and binding, which settle all aspects of this dispute between the parties.

Conclusion

As the parties have reached a settlement, I make no factual findings about the merits of this application.

To give effect to the settlement reached between the parties, and as discussed at the hearing, I issue the attached orders:

- 1) A monetary order ordering the landlord to pay the tenant \$1,792.50 by June 30, 2021.
- 2) An order of possession which orders that the tenant provide vacant possession of the rental unit to the landlord by 1:00 pm on June 30, 2021

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 16, 2021

Residential Tenancy Branch