



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding GIBSON STERLING HOLDINGS LTD. and MARTELLO  
PROPERTY SERVICES INC.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MNDCT, OLC, FFT

### Introduction

This hearing convened as a result of a Tenants' Application for Dispute Resolution, filed on October 9, 2020, wherein the Tenants requested monetary compensation from the Landlords in the amount of \$15,621.00 representing compensation for breach of their right to quiet enjoyment and recovery of the filing fee.

The hearing was conducted by teleconference on January 4, 2021, March 29, 2021, and August 17, 2021. Both parties called into the hearings and were provided the opportunity to present their evidence orally and in written and documentary form and to make submissions to me. Both Tenants called into the hearing. They also had present four witnesses: M.B., R.G., K.T. and N.C. These witnesses were excluded from the hearing and did not testify as the matter resolved prior to their testimony. The Landlord was represented by an Agent, D.M., the Property Manager, C.D., the Building Manager, J.S., and the Property Administrator, C.L. The Landlord also had the Contractor, D.P., and the Engineer, S.G., call in as witnesses; as with the Tenants' witnesses, D.P. and S.G. were excluded from the hearing and their testimony was not required.

### Settlement and Conclusion

During the hearing on August 17, 2021, the parties resolved matters by mutual agreement. The parties confirmed that this agreement was made on a voluntary basis and that they understood the nature of this agreement as a full and final settlement of this matter. As the parties resolved matters by agreement, I make no findings of fact or law with respect to their relative claims.

The terms of their agreement is 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 follows:

1. By no later than 5:00 p.m. on Friday August 20, 2021, the Landlords shall pay to the Tenants the sum of \$5,500.00. This sum shall represent a full and final satisfaction of all claims arising from the tenancy.
2. In furtherance of the above, the Tenants are granted a Monetary Order in the amount of \$5,500.00. Should the Landlords pay the \$5,500.00 as required by paragraph 1, the Tenants shall make no use of the Monetary Order.
3. In the event the Landlords fail to pay the \$5,500.00 as provided for in paragraph 1 above, the Tenants must serve the Monetary Order on the Landlords and may file and enforce the Order in the B.C. Provincial Court (Small Claims Division). The Tenants shall also be at liberty to reapply for compensation for the full amount of their claim filed October 9, 2020, subject to any limitations imposed by section 60 of the *Act*.

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: August 17, 2021

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Residential Tenancy Branch