



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNE, OLC

Introduction

Pursuant to section 58 of the Residential Tenancy Act (the Act), I was designated to hear an application regarding the above-noted tenancy. The tenants applied for:

- cancellation of the One Month Notice to End Tenancy for end of employment, pursuant to section 48; and
- an order for the landlord to comply with the Act, the Residential Tenancy Regulation and/or tenancy agreement, pursuant to section 62.

Tenant RP (the tenant) and the respondent attended the hearing. The tenant represented tenant CS. The respondent was represented by agents CM (the landlord) and RS. All were given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

At the outset of the hearing all the parties were clearly informed of the Rules of Procedure, including Rule 6.10 about interruptions and inappropriate behaviour, and Rule 6.11, which prohibits the recording of a dispute resolution hearing. All the parties confirmed they understood the Rules of Procedure.

Per section 95(3) of the Act, the parties may be fined up to \$5,000.00 if they record this hearing: "A person who contravenes or fails to comply with a decision or an order made by the director commits an offence and is liable on conviction to a fine of not more than \$5,000.00."

Preliminary Issue – Application for an order to cancel a one month Notice to End Tenancy for Cause

The application states the tenant disputed a one month notice to end tenancy for end of employment. The tenant affirmed she is disputing a one month notice to end tenancy for cause dated May 31, 2022 (the Notice), issued pursuant to section 47 of the Act.

The landlord affirmed she is aware that the application is to dispute the Notice.

Per section 59(2)(b) of the Act, I accept the tenants' application for an order to cancel the Notice, under section 47 of the Act.

Settlement

Pursuant to section 63 of the Act, an 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 listed in this application for dispute resolution:

1. The Notice is cancelled. The tenancy will continue until ended in accordance with the Act.
2. The tenant will observe quiet hours from 10:00 P.M. to 8:00 A.M. every day.
3. The tenant will not make loud noises at any time.
4. The landlord will investigate any noise complaints thoroughly.
5. The landlord may serve a new notice to end tenancy if the tenant is responsible for loud noises or does not observe the quiet hours.

Conclusion

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

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: October 19, 2022

Residential Tenancy Branch