



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ERP, FFT

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 tenant applied for:

- an order for emergency repairs, pursuant to section 33; and
- an authorization to recover the filing fee for this application, under section 72.

Tenant DJ (the tenant) and the respondent attended the hearing. The respondent was represented by agent JL (the landlord). 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."

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 landlord will contact the building developer by email on or before December 31, 2022 to request an investigation of the HVAC system of units 16**, 17** and

18** (the complete unit numbers are recorded on the cover page of this decision) to investigate the source of the noise in the tenant's unit HVAC system. The landlord will provide the tenant with a copy of the email sent to the developer.

2. The contact information for unit 18** is recorded on the cover page of this decision.
3. If the developer does not agree to do the investigation, the landlord will hire and pay a technician to do that investigation. The landlord will provide the tenant with the result of the investigation.
4. The parties will act within reasonable times.

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: December 22, 2022

Residential Tenancy Branch