



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **MNDCT, RR, RP, OLC**

Introduction

This hearing dealt with an application by the tenant under the *Residential Tenancy Act* (the *Act*) for the following:

- A monetary order for compensation for damage or loss under the *Act*, *Residential Tenancy Regulation* ("*Regulation*") or tenancy agreement pursuant to section 67 of the *Act*;
- An order to reduce the rent for repairs, services or facilities agreed upon but not provided pursuant to section 65;
- An order requiring the landlord to carry out repairs pursuant to section 32;
- An order requiring the landlord to comply with the *Act* pursuant to section 62;

The tenant SK attended on behalf of both tenants. DG attended and explained he is the building caretaker. He attended along with the landlord FV ("the landlord").

No issues were raised regarding service of documents. I find each party served the other in compliance with the *Act*.

Process

Both parties had opportunity to provide affirmed testimony, present evidence and make submissions. No issues of service were raised. The hearing process was explained.

Delivery of Decision

Each party confirmed their email address to which a copy of the Decision will be sent.

Settlement

Before the conclusion of this 71-minute hearing, the parties discussed the issues between them, engaged in a conversation, turned their minds to compromise, and achieved a resolution of their dispute.

Pursuant to section 63 of the *Act*, the Arbitrator may assist the parties to settle their dispute and if the parties do so during the dispute resolution proceedings, the settlement may be recorded in the form of a Decision or Order(s).

Given the agreement reached between the parties during the proceedings, I find that the parties have settled their dispute and the following records this settlement as a Decision:

The parties agreed as follows:

1. The tenant's application is dismissed with leave to reapply.
2. By March 31, 2023, or such date as the parties may agree upon, the landlord shall replace the radiator in bedroom of the unit and based on the result regarding noise reduction, the landlord shall consider replacing radiator in living room.

3. By March 31, 2023, or such date as the parties may agree upon, the landlord shall conduct an inspection inside the wall in the bedroom at the location of the sound as indicated by the tenant to determine if noise from the heating pipes can be reduced/eliminated.
4. The landlord shall report in writing to the tenant regarding the time for the above work and the results of the inspection as well as any proposed maintenance solution in a timely manner.
5. If the tenant vacates by the end of May 2023, the landlord shall provide a credit of \$2,000.00 toward rent due. The tenant must provide one month's notice.
6. The tenant is entitled to reimbursement of the filing fee of \$100.00 which he may deduct from the rent on 1-time basis.
7. The parties agreed to communicate by email and phone at the contacts for each recorded on the first page.

Should either party violate the terms of this agreement, the tenancy agreement, or the *Act*, it is open to the other party to take steps under the *Act* for an appropriate remedy. Should the parties fail to comply with the Order(s), they may be filed and enforced as Order(s) of the Courts of British Columbia.

This settlement agreement was reached in accordance with section 63 of the *Act*. Each party stated they understood and agreed to the terms of this settlement. The settlement was fully discussed by the parties in the hearing. The parties testified they understood and agreed the above terms are final, binding, and enforceable, and settle all aspects of this application.

The parties are bound by the terms of this agreement, as well as by the terms of their tenancy agreement and the *Act*.

Based on the above, I find that all matters between these parties raised in this application are resolved pursuant to the above agreed terms.

Conclusion

The Application for Dispute Resolution for settled on the above terms of settlement.

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 17, 2023

Residential Tenancy Branch