



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing

A matter regarding BRITISH COLUMBIA HOUSING MANAGEMENT
COMMISSION and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OLC, 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 the landlord to comply with the Act, the Residential Tenancy Regulation and/or tenancy agreement, pursuant to section 62; and
- an authorization to recover the filing fee for this application, under section 72.

Applicant AD (the tenant) and AK attended the hearing. 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 and section 95(3) of the Act.

Preliminary Issue – Correction of the Respondent's Name

At the outset of the hearing AK affirmed the respondent is British Columbia Housing Management Commission (hereinafter, BC Housing) and that AK represents BC Housing.

Pursuant to section 64(3)(a) of the Act, I have amended the application to name the respondent BC Housing, represented by AK (hereinafter, the landlord).

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 respondent will continue to investigate any noise complaints thoroughly.
2. The rental building allows tenants to smoke in the building. The respondent will investigate complaints about excessive smoke pollution in the tenant's rental unit.
3. The respondent will hire a pest control specialist to inspect the tenant's rental unit by May 31, 2023.
4. The respondent will send a warning in writing to the tenant from unit 201, stating that he/she cannot feed birds from his/her balcony.
5. The respondent is considering the tenant's application to move to a new rental unit.

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: May 15, 2023

Residential Tenancy Branch