



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing

A matter regarding REVELSTOKE PROPERTY  
SERVICES 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 February 2, 2023 wherein the Tenants sought the following relief:

- an Order that the Landlord comply with the *Residential Tenancy Act*, the *Residential Tenancy Regulation*, and/or the residential tenancy agreement;
- an Order for monetary compensation in the amount of \$1,000.00 for breach of the Tenants' right to quiet enjoyment; and,
- recovery of the filing fee.

The hearing of the Tenants' Application was scheduled for teleconference at 11:00 a.m. on May 29, 2023. The Tenant K.N. and the Landlords' representatives, K.A. (Property Manager) and .H. (Assistant Property Manager) called into the hearing. The hearing process was explained and the participants were asked if they had any questions. Both parties were provided the opportunity to present their evidence orally and in written and documentary form, and make submissions to me.

### Settlement and Conclusion

During the hearing the parties resolved matters by mutual agreement. The terms of their agreement is recorded in this my Decision pursuant to section 63 of the *Residential Tenancy Act* and Rule 8.4 of the *Residential Tenancy Branch Rules of Procedure*. As the parties resolved matters by agreement I make no findings of fact or law with respect to their relative positions.

The parties confirmed at the end of the hearing that this agreement was made on a voluntary basis and that the parties understood the nature of this full and final settlement of this matter.

The terms of their settlement follow.

1. The parties agree that pursuant to the residential tenancy agreement, the Tenants are permitted to smoke tobacco on her balcony. The Tenants agree to make their best efforts to smoke off the property so as to minimize any disruption to her neighbours. The Landlord agrees to cease issuing any warning letters and threats of eviction relating to smoking tobacco on the balcony.
2. The Tenants' request for monetary compensation in the amount of \$1,000.00 for breach of her right to quiet enjoyment is dismissed with leave to reapply.
3. The parties agree to share the cost of the filing fee paid by the Tenants for this Application. To this end the Tenants shall be permitted to reduce their next month's rent by \$50.00 representing the Landlord's contribution to the filing fee.

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 29, 2023

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Residential Tenancy Branch