



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes OLC

Introduction

This hearing dealt with an Application for Dispute Resolution (Application) that was filed by the Tenants under the *Residential Tenancy Act* (the Act) on March 8, 2023, seeking:

- An order for the Landlord to comply with the Act, regulation, or tenancy agreement.

The hearing was convened by telephone conference call at 1:30 pm on April 21, 2023, and was attended by the Tenants and an agent for the Landlord VN (Agent). All testimony provided was affirmed.

Settlement

The opportunity for settlement was discussed with the parties during the hearing. The parties were advised on several occasions during the hearing that there is no obligation to resolve the dispute through settlement, but that pursuant to section 63 of the Act, I could assist the parties to reach an agreement, which would be documented in my decision and any supporting order(s).

During the hearing, the parties mutually agreed to settle this matter as follows:

1. The parties agree that this Application is withdrawn, as the Agent for the Landlord is planning to issue a notice to end tenancy to the occupant of the uppermost rental unit, or to seek an early end to the tenancy under section 56 of the Act against that occupant, or both, to protect the Tenants' right to quiet enjoyment of their rental unit under section 28 of the Act.

This settlement agreement was reached in accordance with section 63 of the Act.

Conclusion

I order the parties to comply with the terms of the mutual settlement agreement described above. The parties are aware that the Tenants may seek an order for the Landlord to protect their right to quiet enjoyment under a subsequent Application for Dispute Resolution, if the above noted efforts to protect their right to quiet enjoyment are unsuccessful, and that they remain entitled to file a monetary claim for loss of quiet enjoyment, should they wish to do so.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: April 21, 2023

Residential Tenancy Branch