



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing

A matter regarding Aboriginal Land Trust Society
and [tenant name suppressed to protect privacy]

DECISION

Introduction

This hearing dealt with the Tenant's Applications for Dispute Resolution (Applications) under the *Residential Tenancy Act* (the Act) for:

- cancellation of the Landlord's One Month Notice to End Tenancy for Cause (One Month Notice) issued under section 47 of the Act

Tenant G.C. and their agent M.L. attended the hearing for the Tenant.

Agent E.L. attended the hearing for the corporate Landlord.

The parties were able to settle the Applications.

Analysis

Under section 63 of the Act, the Arbitrator may assist the parties to settle their dispute. 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 this hearing, the parties reached an agreement to settle their dispute.

The parties agreed to the following terms of a final and binding resolution of the Tenant's Applications and they did so of their own free volition:

1. The parties agreed that this tenancy will end at 1:00 p.m. on November 1, 2024, and the Tenant agreed to vacate the rental unit by that date and time.
2. The Tenant agreed to be reasonably quiet in the rental unit and residential property between the hours of 11:00 p.m. and 6:00 a.m. The parties agreed that "reasonably quiet" does not mean silent, but rather:
 1. music and noise will be kept to a minimum and at a volume not louder than a quiet conversation;
 2. movement will be kept to a minimum and the Tenant shall refrain from frequent and loud movements such as moving furniture or working out etc.; and
 3. the Tenant shall not slam any doors.

3. The parties understood and agreed that should the Tenant fail to remain reasonably quiet during the above noted hours as agreed, the Landlord will seek an earlier end to the tenancy by filing an application for dispute resolution under section 56 of the Act.
4. The parties agreed that these particulars comprise the full settlement of all aspects of the Tenant's current Applications.

Conclusion

I order the parties to comply with the terms of their mutually agreed settlement as set out above.

To give effect to the settlement reached between the parties, and as discussed at the hearing, I grant an Order of Possession to the Landlord effective at **1:00 pm on November 1, 2024, after service of this Order** on the Tenant. Should the Tenant or any occupant on the premises fail to comply with this Order, it may be filed and enforced as an Order of the Supreme Court of British Columbia.

Pursuant to section 57(2) of the Act, a landlord must not take actual possession of a rental unit that is occupied by an overholding tenant unless the landlord has a writ of possession issued under the Supreme Court Civil Rules.

Pursuant to section 57(3) of the Act, a landlord may claim compensation from an overholding tenant for any period that the overholding tenant occupies the rental unit after the tenancy is ended, or for any loss suffered by a new tenant if their occupancy of the rental unit is prevented or delayed due to the overholding.

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: September 10, 2024

Residential Tenancy Branch