



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

Decision

Dispute Codes: MNDC

Introduction

This hearing dealt with an application by the tenants for a monetary order in compensation for damage or loss under the Act. Both parties participated in the hearing and gave affirmed testimony.

Issue to be decided

- Whether the tenants are entitled to a monetary order under the Act

Background and Evidence

The landlord – tenant relationship between these parties spanned the period from 1991 to 2008. The tenants lived in the particular unit which is the subject of this dispute from February 1, 2003 to sometime in July 2008. The tenancy in this unit ended as a result of the landlord's discovery of a mold problem in the unit in April 2008. Following an assessment, the landlord determined that the mold created a serious health concern. This led to the landlord's offer of two alternate types of accommodation for the tenants, which they ultimately declined. After moving to accommodation not associated with this landlord, the tenants were permitted to store some of their belongings in the subject unit during August and September 2008 without charge.

The landlord informed the tenants of their intention to demolish the unit and develop the property. However, after the tenants' possessions had been completely removed, the landlord was able to more thoroughly assess the condition of the unit and determined that some remedial work could be undertaken. Despite this, the landlord asserts that the long term plan is still to develop the property.

In the meantime, after sitting vacant for the period from October 2008 to March 2009, the landlord entered into a six (6) month tenancy agreement with other tenants. Having noted that repairs were made to the unit and the unit was re-rented, the tenants challenge the genuineness of the landlord's stated intentions which brought an unhappy end to their tenancy. In their application, the tenants seek a monetary order for compensation associated with events as set out above.

During the hearing the parties exchanged views and expressed feelings related to the circumstances surrounding the dispute, and undertook to find a resolution.

Analysis

Section 63 of the Act provides that the parties may undertake to settle their dispute during a hearing. Pursuant to this provision, discussion between the parties during the hearing led to a resolution. Specifically, it was agreed as follows:

- that the landlord will forward cheque payment by mail to tenant "JQX" in the full amount of \$1,000.00;
- that the landlord will deposit the above cheque into the mail by no later than midnight, Wednesday, August 5, 2009;
- that this comprises full and final settlement of all aspects of the dispute surrounding this tenancy for both parties.

Conclusion

Pursuant to the above agreement, I hereby order the landlord to forward cheque payment by mail to tenant "JQX" in the full amount of **\$1,000.00**.

DATE: July 24, 2009

Dispute Resolution Officer