



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 the tenant's application for a monetary order as compensation for damage or loss under the Act. Both parties participated in the hearing and gave affirmed testimony, and the tenant was represented by legal counsel

Issues to be decided

- Whether the tenant is entitled to a monetary order under the Act

Background and Evidence

Pursuant to a written residential tenancy agreement, the month-to-month tenancy began on August 1, 2007. Currently, rent in the amount of \$725.00 is payable on the first day of the month.

A leak in the roof of the premises led to extensive restoration work being undertaken from January to late April 2009. During this time the tenant remained in the unit but experienced considerable disruption and inconvenience, and had full use of only a limited portion of the unit. As compensation for this hardship, the landlord waived the full amount of rent due for each of January and February 2009, in the total amount of \$1,400.00. The landlord also waived ½ month's rent for the combined two month period of March and April 2009, in the total amount of \$350.00. The landlord takes the position that the amount of rent already waived is more than sufficient acknowledgment of the hardships suffered by the tenant, while the tenant's view is that further acknowledgement of the breach to her right to quiet enjoyment is warranted.

During the hearing the parties exchanged views on the circumstances surrounding the dispute and very earnestly undertook to achieve 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 tenant's post dated rent cheques for February and March 2009, each in the amount of \$700.00, have been destroyed by the landlord;
- that over and above rent which has already been waived, the landlord will waive an additional \$200.00;
- that the aforementioned waiving will be achieved in the following way:
 - o the landlord will destroy the tenant's post dated rent cheque in the amount of \$725.00 for October 2009, and
 - o the tenant will issue a new rent cheque for October 2009 in the amount of \$525.00, and forward it to the landlord;
- that the above particulars comprise full and final settlement of all aspects of the dispute which presently arise out of this tenancy for both parties.

Conclusion

Pursuant to section 67 of the Act, I hereby order that the tenant may issue a cheque for the full payment of rent for October 2009 in the amount of **\$525.00**.

DATE: September 4, 2009

Dispute Resolution Officer