

DECISION

Dispute Codes: DRI and MNDC

Introduction

This application was brought by the tenants seeking a Monetary Order to recover over payment of rent consequent to an improperly imposed rent increase.

Issues to be Decided

This matter requires a decision on whether the landlord imposed an improper rent increase and, if so, whether the tenants are entitled to a Monetary Order for return of the overpayment and in what amount.

Background and Evidence

The matters in dispute arose from ongoing renovations in the rental building from late April 2009 to mid-September 2009 necessitated by the discovery of mold. Renovations included a new roof, windows, blown insulation, removal of carpets, repainting, etc.

The rental building contains up to six living units and utilities are divided equally among the tenants. The primary applicant pays \$390 per month in rent and the secondary

applicant pays \$415. The landlord holds security deposits of \$195 and \$187.50 respectively.

The primary applicant claimed for loss of use of her room for about five weeks, some loss of personal property, and loss of quiet enjoyment of the common areas of the rental building. The secondary applicant claimed for loss of personal property and loss of quiet enjoyment of the common areas.

Consent Agreement

During the hearing, the parties crafted the following consent agreement:

1. The landlord agrees to pay the tenants \$500 each;
2. Such payment includes the tenants' recovery of the \$50 application fee for this proceeding;
3. This payment constitutes full and final settlement of all claims brought forward in the application and all matters pertaining to these tenancies to this date.

To perfect the consent agreement, each of the tenants' copies of this decision is accompanied by a Monetary Order, enforceable through the Provincial Court of British Columbia for \$500.