

Decision

Dispute Codes: MNDC, ERP, RP, PSF, RR, FF

Introduction

This hearing dealt with an application by the tenants for a monetary order as compensation for damage or loss under the Act, regulation or tenancy agreement / orders instructing the landlord to make emergency repairs for health or safety reasons / make repairs to the unit, site or property / provide services or facilities required by law / allow tenants to reduce rent for repairs, services or facilities agreed upon but not provided / and recovery of the filing fee.

Both parties participated in the hearing and gave affirmed testimony.

Issues to be decided

- Whether the tenants are entitled to any or all of the above under the Act, regulation or tenancy agreement

Background and Evidence

Pursuant to a written tenancy agreement, the tenancy began more than three (3) years ago. Currently, rent in the amount of \$1,200.00 is payable in advance on the first day of each month. A security deposit of \$600.00 was collected near the outset of tenancy.

Briefly, a water leak into the unit which was discovered in late February 2010, has created miscellaneous and on-going problems for the tenants, including significant inconvenience and limited use of the washroom. Subsequent to the filing of the application, progress has been made with repairs, and the tenants were provided with short term lodging in a hotel for a period of time.

During the hearing the parties exchanged views on some of the circumstances surrounding the dispute and undertook to achieve a resolution.

Analysis

The full text of the Act, regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: www.rto.gov.bc.ca/

Section 63 of the Act provides that the parties may attempt 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 payment of rent for June & July 2010 has been waived;
- that payment of rent for September 2010 will be waived;
- that the landlord(s) will return the post-dated rent cheques to the tenants for each of the above three (3) months;
- that the landlords will reimburse the tenants' filing fee FORTHWITH by way of issuance of a cheque in the amount of \$50.00;
- that the above particulars comprise full and final settlement of all issues in dispute for both parties, which arise from this tenancy and which are presently before me.

Conclusion

Following from the above and pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the tenants in the amount of **\$50.00**. Should it be necessary, this order may be served on the landlord(s), filed in the Small Claims Court and enforced as an order of that Court.

DATE: August 16, 2010

Dispute Resolution Officer

