



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### Dispute Codes:

MNDC, ERP, and FF

### Introduction

This hearing was scheduled in response to the Tenant's Application for Dispute Resolution, in which the Tenant has made application for a monetary Order for money owed or compensation for damage or loss; for an Order requiring the Landlord to make repairs to the rental unit; and to recover the filing fee from the Landlord for the cost of this Application for Dispute Resolution.

Both parties were represented at the hearing. They were provided with the opportunity to submit documentary evidence prior to this hearing, to present oral evidence, to cross-examine the other party, and to make submissions to me.

### Issue(s) to be Decided

This hearing dealt with an application by the Tenant for an order requiring the Landlord to restore heat to the rental unit; for a monetary compensation for being without heat in the rental unit; and to recover the filing fee from the Landlord for the cost of this Application for Dispute Resolution.

### Background and Evidence

The Landlord and the Tenant agree that this tenancy began on December 01, 2010; that the Tenant currently pays monthly rent in the amount of \$1,950.00; that the primary heating system in the rental unit was turned off on May 28, 2011, due to concerns with the safety of system; and that the primary heating system has not yet been repaired.

After considerable discussion the Landlord offered to resolve this dispute under the following terms:

- The Landlord will pay the Tenant \$2,500.00
- The Landlord agrees that the Tenant can vacate the rental unit without any notice
- The Tenant agrees to pay the Landlord rent, on a pro-rated basis, for the period they remain in possession of the rental unit
- The Landlord agrees that if the primary heating system is not fully functional by October 07, 2011, the Tenant can reduce the monthly rent by \$100.00 per week

and that the Tenant is entitled to pay the reduced rent for any week in which the Tenant does not have full use of the heating system for any portion of the week.

The Landlord agreed to allow legal counsel time to consult with his client prior to accepting this settlement offer. The Landlord and legal counsel understand that the Tenant has until 5 p.m. today to accept the settlement offer; and that this dispute will be considered settled by mutual consent of legal counsel advises me, via fax by 5 p.m. today, that the offer has been accepted.

At 2:52 p.m. on this date the Residential Tenancy Branch received a fax from the Tenant's legal counsel, in which legal counsel advised that the Landlord's settlement offer had been accepted.

### Conclusion

On the basis of the mutual agreement reached in these proceedings, I grant the Tenant a monetary Order, in the amount of \$2,500.00. In the event that the Landlord does not comply with this Order, it may be served on the Landlord, filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: September 29, 2011.

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Residential Tenancy Branch