



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes

MNDC

### Introduction

This hearing was convened in response to an application by the Tenant pursuant to the *Residential Tenancy Act* (the “Act”) for a Monetary Order for compensation or loss.

The Landlord and Tenant were each given full opportunity to be heard, to present evidence and to make submissions. Into the Hearing, both parties indicated their desire to resolve the dispute.

### Background and Evidence

The following are agreed facts:

The tenancy began on July 15, 2010 on a fixed term to August 1, 2012. Rent in the amount of \$1,980.00 is payable monthly. During August 2011, scaffolding was erected along the building to make repairs to the building. The Tenant experienced a loss of privacy, view and use of the balcony due to the scaffolding. In consideration for the Tenant withdrawing its claim, the Parties reached an agreement during the Hearing on the amount of compensation to the Tenant for losses.

### Settlement Agreement.

Section 63 of the Act is set out as follows:

- (1) The director may assist the parties, or offer the parties an opportunity, to settle their dispute.
- (2) If the parties settle their dispute during dispute resolution proceedings, the director may record the settlement in the form of a decision or order.

Given the authority under the Act, the parties desire to settle their dispute during the proceedings, and agreement reached between the parties during the proceedings, I find that the parties have settled their dispute and the following records this settlement as a decision:

**The Parties mutually agree as follows:**

- 1. Regardless of the length of time that the scaffolding remains in place, the Tenant will reduce monthly rent payable to the Landlord by \$200.00 commencing January 1, 2011 and ending June 1, 2012, inclusive.**
- 2. The Tenant will withdraw the claim herein.**
- 3. These terms comprise the full and final settlement of all aspects of this dispute for both parties.**

Conclusion

The Parties have resolved the dispute as set out above on the mutually agreed upon terms.

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: November 23, 2011.

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Residential Tenancy Branch