



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, RP, RR and FF

Introduction

This application was brought by the tenant seeking monetary compensation for loss of quiet enjoyment of the rental unit for a period during which the rental building was undergoing renovations. The tenant also sought an order for repairs and recovery of the filing for this proceeding.

Issue(s) to be Decided

This matter requires a decision on whether the tenant is entitled to monetary compensation and/or rent relief and an order for repairs.

Settlement Agreement

During the hearing, the landlord reiterated an offer he had made previously to the tenant, who had not replied, to compensate her in the amount of \$500 for the disruption caused by the construction.

The tenant agreed to accept the \$500 offer in full and final settlement of the claims put forward in her application.

The tenant sought further assurance as to when the railing that had surrounded her ground floor patio would be replaced. The landlord explained that as part of the renovations, the sliding glass doors had been replaced by units with far superior double locking mechanisms and that the work had met the building code without replacement of the railings.

He stated that he was still in the process of researching possible methods of installing new railings that would not compromise the surface membrane but had not made a final decision on whether to replace them and that no other tenants had expressed a wish that he do so.

He stated that the railings played no role in securing the rental unit as tenants and guests had frequently stepped over those that had been removed.

On considering the photographic evidence submitted by the landlord, I would not have found the railings to be essential or material as contemplated under section 27 of the *Act*.

As a matter of note, I must acknowledge the exceptional quality of the landlord's written submissions.

As the parties have settled on the same amount requested by the tenant and offered by the landlord, I decline to add the tenant's filing fee to the settlement.

As empowered under section 72(2)(a) of the *Act*, I hereby authorize and order that the tenant may withhold \$500 of the rent due on December 1, 2011 in satisfaction of the settlement agreement made herein.

Conclusion

The parties have agreed to settle the present dispute with \$500 rent reduction for December 2011 only, and that this constitutes full and final settlement of the present dispute.

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 16, 2011.

Residential Tenancy Branch