



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, ERP, FF

Introduction

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- a monetary order for compensation for damage or loss under the *Act*, regulation or tenancy agreement pursuant to section 67;
- an order to the landlord to make emergency repairs to the rental unit pursuant to section 33; and
- authorization to recover their filing fee for this application from the landlord pursuant to section 72.

Both parties attended the hearing and were given a full opportunity to be heard, to present evidence and to make submissions. The landlord's agent (the landlord) confirmed that the landlord received a copy of the tenants' dispute resolution hearing package sent by the tenants by registered mail on December 1, 2011. I am satisfied that the tenants served their hearing package to the landlord in accordance with the *Act*.

Issues(s) to be Decided

Should the landlord be ordered to conduct emergency repairs? Are the tenants entitled to a monetary award for losses arising out of this tenancy? Are the tenants entitled to recover their filing fee from the landlord?

Background and Evidence

This one-year fixed term tenancy commenced on September 1, 2011. Monthly rent is set at \$1,495.00, payable in advance on the first of each month. The landlord continues to hold the tenants' \$747.50 security deposit paid on August 30, 2011.

The tenants alleged that the landlord has not taken sufficient action to resolve their concerns about car exhaust fumes that they encounter in their rental unit in a new strata property. They maintained that their family is experiencing health concerns regarding this situation. In their application for dispute resolution, the tenants expressed their preference to resolve this matter by having the landlord obtain a professional inspection of the rental unit to determine the source of the problem. If the landlord were not willing

to assist in this way, the tenants applied for a monetary award of \$4,550.00 for the following items:

Item	Amount
Compensation for Living in the Rental Unit for 4 months with safety and health risks	\$2,500.00
Moving and Related Costs	2,000.00
Recovery of Filing Fee for this application	50.00
Total Monetary Award Requested	\$4,550.00

Analysis

Pursuant to section 63 of the *Act*, the dispute resolution officer may assist the parties to settle their dispute and if the parties settle their dispute during the dispute resolution proceedings, the settlement may be recorded in the form of a decision or an order. During the hearing, the parties discussed the issues between them, engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

Both parties agreed to resolve their dispute on the following terms:

1. The landlord agreed to identify and supply the name of an independent home inspector or independent home inspection company for the tenants' approval within the next two weeks (and if possible before December 29, 2011).
2. Once the tenants receive this name from the landlord, the tenants agreed to advise the landlord as soon as possible as to whether the home inspector or home inspection company identified by the landlord is acceptable.
3. Once there is agreement between the parties as to an acceptable home inspector or home inspection company, the landlord committed to retain the services of this inspector or inspection company as soon as possible to determine the source of exhaust fumes the tenants claim to be encountering in their rental unit.
4. The landlord committed to provide the tenants with a copy of the entire report completed by the home inspector or home inspection company.
5. If the results of this inspection identify a problem that can be remedied, the landlord commits to pursue a resolution of this problem with the developer of this strata property.
6. The landlord committed to install a carbon monoxide detector in the tenants' rental unit as soon as this work order can be filled with the landlord's maintenance person.

The parties agreed that these particulars constitute a full and complete resolution of the issues in dispute in the tenants' application.

Conclusion

I order the parties to implement the terms of their settlement agreement as outlined above.

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: December 19, 2011

Residential Tenancy Branch