



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDC, RR

### Introduction

This was the hearing of an application by the tenant for a monetary order and a rent reduction. The hearing was conducted by conference call. The tenant participated with her advocate. The landlord's representative participated in the hearing.

At the start of the conference call the Tenant's advocate said the parties had reached an agreement based on a previous dispute resolution decision with another tenant in the rental complex. The Tenant's advocate said they did not have enough time to cancel this hearing and now that the hearing was underway she requested a record of the agreement with the Landlord by way of a settlement agreement and monetary order for the Tenant. The Landlord said she was in agreement with the Tenant's request for a record of the settlement agreement and monetary order.

The parties reached an agreement to settle these matters, on the following conditions:

1. the Landlord agrees to pay the Tenant a onetime payment of \$296.94 as settlement for the loss of use of the balcony in the rental unit for the last 14 months. This amount is calculated as the loss of 7% of the useable space in the rental unit over the last 14 months as the Tenant was not able to use the balcony. Therefore  $7\% \text{ of the rent of } \$303.00/\text{month} = \$21.21 / \text{month times } 14 \text{ months} = \$296.94$ .
2. the Landlord further agrees to a rent reduction of \$21.21 / month making the rent \$281.79/month until the balcony is repaired or until the tenancy ends.
3. Both parties agreed to this settlement arrangement.

Under section 63 (1) the director can assist parties or offer parties an opportunity to settle their dispute. Pursuant to section 63 of the Act the Landlord and the Tenant agreed to the above arrangement.

As no further action is required on this file, the file is closed.

### Conclusion

The Parties agreed to a rent reduction of \$21.21 making the rent \$281.79 until the balcony is repaired or until the tenancy ends.

The Tenant has received a Monetary Order for an amount of \$296.94 as compensation for the loss of use of the balcony in the rental unit.

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*.

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Residential Tenancy Branch