



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNDC and FF

### Introduction

This hearing was convened on the tenants' application for monetary compensation of \$3,362.50 on the grounds that a water leak in the bathroom of the two storey townhouse diminished the value of the tenancy. The tenants also sought to recover the filing fee for this proceeding from the landlord.

As a matter of note, this issue was the subject of a hearing set for August 31, 2011 but the tenants' application was dismissed with leave to reapply when the landlord did not appear and the tenants were not able to prove service of the Notice of Hearing.

As a preliminary matter, the tenants had named the corporate landlord and the building manager as respondents in the application. I have deleted the name of the building manager because, as an employee of the corporate landlord, he would not be personally liable on this claim.

### Issue(s) to be Decided

This application requires a decision on whether the tenants suffered sufficient inconvenience as a result of the ongoing need for repairs to warrant monetary compensation, and, if so, in what amount.

### Background and Evidence

This tenancy began on September 1, 2010 and ended on August 31, 2011. Rent was \$975 per month.

During the hearing, the parties gave evidence that the landlord had reduced the rent for August 2011 by \$100 in compensation and had agreed to revisit the question of compensation when repairs were complete. The parties resumed that process during the hearing, and arrived at the following consent agreement.

#### Consent Agreement

1. The landlord agrees to refund to the tenants an amount equal to one month's rent which is \$975.
2. The tenant agrees to accept payment of that amount in settlement of this claim.
3. The parties understand and agree that this consent agreement is final and binding and constitutes full settlement of all matters pertaining to the tenancy.

#### Conclusion

The tenants' copy of this decision is accompanied by a Monetary Order for \$975.00, enforceable through the Provincial Court of British Columbia, for service on the landlord.

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: January 05, 2012

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Residential Tenancy Branch