



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: ERP, RP

Introduction

This hearing dealt with an application by the tenant pursuant to the *Residential Tenancy Act* for an order directing the landlord to make repairs to the rental unit and provide facilities. Both parties attended and were given full opportunity to present evidence and make submissions

Issues to be decided

Is the landlord negligent in her duties as a landlord?

Background and Evidence

The tenancy started in 1994. The monthly rent is \$482.00 due on the first day of each month. The rental unit is an apartment located in building that houses a total of 15 units.

The tenant testified that the current landlord purchased the building about five years ago and upon taking over the management of the building, the landlord shut off heat to the common areas. One of the consequences of the lack of heat was a build up of mould.

During the hearing the parties engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

Analysis

Pursuant to Section 63 of the *Residential Tenancy Act*, the dispute resolution officer may assist the parties 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 this hearing, the parties reached an agreement to settle their dispute.

Specifically, it was agreed as follows:

1. The landlord agreed to turn on the heat to the common areas immediately.
2. The landlord agreed to hire a professional company to assess and remedy the mould situation in the building.
3. The landlord agreed to compensate the tenant \$125.00 towards the increase in her heating costs.
4. The tenant agreed to accept \$125.00 as compensation in full settlement of her claim.

Conclusion

The landlord and tenant have reached an agreement with regard to the tenant's application. The tenant will make a onetime deduction of \$125.00 from a future rent. .

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: March 20, 2012.

Residential Tenancy Branch