



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes:**

RP, MNDC, PSF

### **Introduction**

This Application for Dispute Resolution was to deal with an application by the tenant seeking an order to force the landlord to provide services and facilities required by law and to make repairs to the rental unit. The tenant is also seeking monetary compensation for loss of value to the tenancy.

Both parties appeared and gave testimony in turn.

During the proceedings a mediated discussion ensued between the parties. And they came to a mutually agreeable resolution the terms of which are as follows:

- The tenant agrees to vacate the unit on or before July 31, 2012 at 1:00 p.m. and the landlord will be issued an enforceable Order of Possession effective on that date.
- under the tenancy agreement the rent for this tenancy is due and payable on the 15<sup>th</sup> day of each month. The tenant's rent has been paid up until June 15, 2012. The tenant will now be entitled to a 100% rent abatement of \$900.00 and will therefore not have to pay any rent to the landlord from the period from June 15, 2012 until July 14, 2012.
- If the hydro is fully restored by July 14, 2012, the tenant will pay prorated rent of \$450.00 to cover the period of occupancy from July 15, 2012 until July 31, 2012.
- However, if the hydro services are not fully restored by July 14<sup>th</sup>, the tenant will receive a further rent abatement of \$450.00 and will therefore not have to pay rent to the landlord for the period from July 15, 2012 until July 31, 2012.
- In addition to the above compensation, if the tenant manages to find a suitable place to relocate to prior to the July 31, 2012 deadline, the tenant is at liberty to end the tenancy earlier with one day notice to the landlord.

- If this occurs between July 15, 2012 and July 31, 2012 and it falls after the hydro has been restored, the tenant will only owe rent for the number of days during that period that they still live in the unit.
- Pursuant to section 38 of the Act, the tenant is entitled to be refunded the security deposit within 15 days of moving out and providing the landlord with a written forwarding address.

The above terms were agreed to by both parties in exchange for the tenant voluntarily vacating the unit under the circumstances outlined above.

### **Conclusion**

Based on the agreement reached by the parties during the proceedings, I order that the tenant will receive a rent abatement of 100% from the landlord, in the amount of \$900.00 which is the equivalent of one month's rent that would otherwise be payable under the tenancy agreement due on June 15, 2012 for the period of June 14, 2012 until July 14, 2012.

If the hydro services have not yet been restored by July 14, 2012, I hereby order that the tenant is entitled to a further rent abatement for \$450.00 representing rent otherwise due for the period of July 15, 2012, until the agreed-upon vacate date of July 31, 2012. I order that, if the hydro services have been restored by July 14, 2012, the rent owed by the tenant for the period from July 14, 2012 until the tenant leaves will be a prorated amount of \$450.00.

Based on the agreement reached by the parties during these proceedings, I hereby order that, regardless of the above, the tenant may also end the tenancy earlier by giving the landlord one day written notice to end the tenancy and if the tenant leaves prior to July 31, 2012 the tenant will then only owe the proportion of rent for the number of days of the month prior to the tenant vacating.

Based on the agreement reached by the parties during these proceedings, I hereby grant the landlord an Order of Possession effective Tuesday July 31, 2012 at 1:00 p.m. This order must be served on the tenant and may be filed in the Supreme Court and enforced as an order of that Court.

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: June 13, 2012.

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Residential Tenancy Branch