



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNDC, OLC, RP, PSF, FF

Introduction

This hearing concerns the tenants' application for a monetary order as compensation for damage or loss under the Act, Regulation or tenancy agreement / an order instructing the landlords to comply with the Act, Regulation or tenancy agreement / an order instructing the landlords to make repairs to the unit, site or property / an order instructing the landlords to provide services or facilities required by law / and recovery of the filing fee. Both parties participated in the hearing and gave affirmed testimony.

Issue(s) to be Decided

Whether the tenants are entitled to the above under the Act, Regulation or tenancy agreement.

Background and Evidence

Pursuant to the written tenancy agreement in evidence before me, the fixed term of tenancy is from August 11, 2011 to July 31, 2012. Monthly rent of \$2,350.00 and a monthly parking fee of \$40.00 are both due and payable in advance on the first day of each month. A security deposit of \$1,190.00 was collected at the original start of tenancy which was in July 2009. There is no dispute that the tenancy ends effective July 31, 2012.

In summary, the dispute concerns compensation sought by the tenants arising from a period of time during which the washer / dryer appliance was not working, and window coverings in a bedroom which are in need of repair.

During the hearing the parties exchanged views on some of the circumstances surrounding the dispute and undertook to achieve a resolution.

Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: www.rto.gov.bc.ca

Section 63 of the Act addresses the **Opportunity to settle dispute**. Pursuant to this provision, discussion between the parties during the hearing led to a resolution and it was specifically agreed as follows:

RECORD OF SETTLEMENT

- that the landlords will pay the tenants \$544.00 by cheque made payable in the names of both tenants named on the tenancy agreement, who are also the same two tenants named on the application for dispute resolution;
- that a monetary order will be issued in favour of the tenants for the amount agreed to above;
- that the above cheque will be put into the mail by no later than midnight, Friday, August 10, 2012;
- that the envelope containing the cheque will be addressed to the tenants at the forwarding address which they have already provided to the landlords;
- that the landlords will undertake to have the bedroom window coverings repaired as soon as possible, bearing in mind that the male tenant is understood to be at home all day;
- that *both tenants* AND all other occupants will undertake in future to operate the bedroom window covering with all due care;
- that the tenants withdraw their application to recover the \$50.00 filing fee;
- that the above particulars comprise full and final settlement of all issues in dispute which are presently before me for both parties.

As to the disposition of the security deposit at the end of tenancy, the attention of the parties is drawn to section 38 of the Act which addresses **Return of security deposit and pet damage deposit**.

Conclusion

The parties are hereby ordered to comply with the terms of the settlement agreement reached between them during the hearing, as detailed above.

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the tenants in the amount of **\$544.00**. Should it be necessary, this order may be served on the landlords, filed in the Small Claims 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: July 12, 2012.

Residential Tenancy Branch