



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, OLC, RP, PSF, RR and FF

Introduction

This matter was originally set for hearing on March 25, 2013 and was adjourned to the present session when the allotted 60 minutes expired without all evidence having been heard.

The application was brought by the tenant seeking remedies to address excess moisture in the rental unit. The tenant had sought a monetary award for loss or damage under the legislation or rental agreement, an order for landlord compliance, repairs to the rental unit, the provision of service or facilities, a rent reduction and recovery of the filing fee for this proceeding.

As she advised she would during the first session of this hearing, the tenant vacated the rental unit on March 31, 2013.

Therefore, the requested orders for landlord compliance, repairs and provision of services are now moot.

Issues to be Decided

This matter now requires a decision on whether the tenant is entitled to the monetary compensation for diminished value of the rental unit and consequent costs

Background and Evidence

This tenancy began on November 1, 2012 under a one-year fixed term rental agreement set to end on October 31, 2013. Rent was \$1,100 per month and the landlord held security and pet damage deposits of \$550 each paid on October 23, 2012.

The pet damage deposit has been returned and the landlord has included a request for authorization to retain the security deposit in a subsequent application for loss of rent set to be heard on April 30, 2013 at 1:30 p.m.

The present dispute arose from the discovery of mold in the rental unit due to high moisture content, the effects of which were exacerbated by the fact that the tenant's son has asthma and another allergy that increases his sensitivity to airborne irritants.

Settlement Agreement

Section 63 of the Act provides that:

- 1) The director may assist the parties, or offer the parties an opportunity, to settle their dispute.
- (2) If the parties settle their dispute during dispute resolution proceedings, the director may record the settlement in the form of a decision or an order.

Having had the opportunity to fully consider each other's position, the parties crafted the following settlement agreement:

1. The tenant agrees to withdraw the present application;
2. The landlord agrees to withdraw her application set for hearing on April 30, 2013;
3. The landlord agrees to return the tenant's \$550 security deposit on receipt of this decision;
4. The parties agree that this constitutes full and final settlement of all matters pertaining to the tenancy.

I commend both parties on rising above a stressful experience for both to reach this consent agreement.

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: April 24, 2013

Residential Tenancy Branch

