



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes RP, MNDC, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by tenants filed under the Residential Tenancy Act, (the "Act"), to have the landlords make repairs for health or safety reasons, for a monetary order for money owed or compensation for damage or loss under the Act, and to recover the filing fee from the landlords.

Both parties appeared, gave affirmed testimony, and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions at the hearing.

The parties agreed that due to no fault of the landlord the basement of the rental unit was flooded on December 10, 2014, by a neighboring property causing damage to the basement which is not covered by insurance.

Settlement

During the hearing the parties agreed to settle these matters, on the following conditions:

- 1) The parties agreed that the tenants current monthly rent is \$1,260.00 and that the tenants are entitled to a rent reduction of \$350.00 per month for the loss of use of the basement, commencing January 1, 2015;
- 2) The parties agreed the rent reduction will continue until the landlords are able to make the repairs to the basement. The parties agreed that the reduced rent is \$1,260.00 - \$350.00=**\$910.00**;

- 3) The parties agreed that the tenants are entitled to a rent reduction prorated for the month of December 2014, in the amount **\$237.00** for the loss of use of the basement;
- 4) The parties agreed that the tenants are entitled to the total amount of **\$1,987.00** for the time period of December 2014 to May 2015 and the parties agreed to equally share the filing fee. The parties agreed that the tenants are entitled to a monetary order in the total amount of **\$2,037.00**;
- 5) The parties agreed that the tenants are entitled to recover the monetary order as follows should the tenancy continue and the repairs to the basement have not been made:
 - a. The tenants will not be required to pay the reduced rent of \$910.00 for June and July 2015. ($\$910.00 \times 2 = \$1,820.00$). August 2015, rent will be reduced by the balance due of \$217.00; and
- 6) Should the tenancy end in accordance with the Act, the tenants are entitled to the balance due of the monetary order that was not credited by rent owed.

This settlement agreement was reached in accordance with section 63 of the *Residential Tenancy Act*.

Conclusion

As a result of the above settlement, the tenants are granted a monetary order.

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: May 12, 2015

Residential Tenancy Branch

