



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes DRI, OLC, RR, FF, O

Introduction

This hearing was convened in relation to the tenant's application pursuant to the *Residential Tenancy Act* (the Act) for:

- an order regarding a disputed additional rent increase pursuant to section 43;
- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62;
- an order to allow the tenant(s) to reduce rent for repairs, services or facilities agreed upon but not provided, pursuant to section 65;
- authorization to recover his filing fee for this application from the landlord pursuant to section 72; and
- an "other" remedy.

Both the tenant and the landlord appeared. There were no issues with service raised before me.

In the course of the hearing, I raised my concern that some issues raised by the tenant's application fell outside of my jurisdiction as the dispute related to a service agreement. Further, in the course of the hearing, it became apparent that the landlord viewed that he had outstanding claims in respect of unpaid rent as well as a dispute regarding the service agreement. In order to avoid multiplicity of proceedings, the parties engaged in a settlement discussion with the goal of resolving all outstanding issues between the landlord and tenant. The parties were able to reach this agreement.

Analysis

Pursuant to section 63 of the Act, an arbitrator may assist the parties to 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 the hearing the parties discussed the issues between them, engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

During this hearing, the parties reached an agreement to settle their disputes under the following final and binding terms:

1. The tenant agreed to withdraw his application.
2. The landlord agreed to pay to the tenant \$40.00.
3. The landlord and tenant agreed that this settlement resolves all outstanding issues between the parties and both parties waive any right to bring any further claims in respect of the tenancy agreement and service agreement.
4. The landlord and tenant agreed that neither party would file any further claim before the Residential Tenancy Branch in respect of this tenancy, which has now ended.

Each party stated that he understood the terms of this agreement. The parties agreed that these particulars comprise the full and final settlement of all aspects of their disputes for both parties.

Conclusion

The tenant's application is withdrawn.

I issue a monetary order in the tenant's favour in the amount of \$40.00 and the landlord(s) must be served with this order as soon as possible. Should the landlord(s) fail to comply with this order, this order may be filed in the Small Claims Division of the Provincial 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 subsection 9.1(1) of the Act.

Dated: October 26, 2015

Residential Tenancy Branch

