



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CAPREIT
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

MNDC, FF

Introduction

This hearing dealt with an application by the landlord for a monetary order for parking fees and for the recovery of the filing fee. Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

The parties acknowledged receipt of evidence submitted by the other and gave affirmed testimony.

Issue(s) to be Decided

Is the landlord entitled to parking fees?

Background and Evidence

The tenancy started on August 01, 1999. The landlord filed a copy of the tenancy agreement. The monthly rent is \$769.91 payable on the first of each month. The agreement confirms that the rent includes parking fees for one vehicle.

The tenant agreed that she has up to three vehicles and is currently utilizing three parking spots. The tenant added that the previous manager allowed her to park extra vehicles at no extra cost.

During the hearing the parties engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

Analysis

Pursuant to Section 63 of the *Residential Tenancy Act*, the Arbitrator may assist the parties settle their dispute and if the parties settle their dispute during the hearing, the settlement may be recorded in the form of a decision or an order.

During this hearing, the parties reached an agreement to settle these matters, on the following conditions:

1. The tenant agreed to pay an additional \$30.00 per month per parking spot that she utilizes in excess of the one spot that is included in the rent.
2. The landlord agreed to waive all past claims for parking fees against the tenant with regard to this dispute.
3. Both parties agreed that this arrangement would take effect on November 01, 2015.
4. The parties agreed to exercise any additional goodwill and spirit of cooperation necessary in regard to the above undertakings, which might be required to continue in a positive landlord – tenant relationship.
5. Both parties stated that they understood and agreed that the above particulars comprise **full and final settlement** of all aspects of this dispute for both parties

Conclusion

Pursuant to the above agreement, effective November 01, 2015, the tenant will pay \$30.00 per month, per spot, for every additional parking spot used by her.

As this dispute was resolved by mutual agreement and not based on the merits of the case, I decline the landlord's request to recover the filing fee paid for this application

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: October 29, 2015

Residential Tenancy Branch

