



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNDC, RR, FF

Introduction

This hearing concerns the tenant's application for a monetary order as compensation for damage or loss under the Act, Regulation or tenancy agreement / a reduction in rent for repairs, services or facilities agreed upon but not provided / and recovery of the filing fee. Both parties attended and gave affirmed testimony.

Issue(s) to be Decided

Whether the tenant is entitled to any of the above under the Act, Regulation or tenancy agreement.

Background and Evidence

It is understood that the unit which is the subject of this dispute comprises the main level of a 2 storey house, where other renters occupy the basement portion of the house. There is no written tenancy agreement in evidence for this tenancy which began around February 2014. Monthly rent is \$1,350.00, and the tenant shares responsibility with the other renters for paying 50% of certain utilities provided to the house.

The tenant claims that from the beginning of tenancy he entered the common area laundry facilities located in the basement by way of an internal stairway. However, in October 2015 the landlord informed him that access to the laundry would henceforth no longer be available by these stairs, and "around Halloween" the landlord provided the tenant with a key to access the laundry area from outside the house through a door to the basement. Further to recovery of the filing fee, in his application the tenant seeks compensation for the cost of using outside laundry facilities during October 2015, as a result of no access to laundry facilities in the house for the better portion of that month. Additionally, the tenant seeks an ongoing reduction in monthly rent for the change in access to the laundry which he claims is "wholly unsuitable, being unlit (certainly not to code) and with no cover against rain or snow." During the hearing the parties informed me that they had very recently resolved the dispute between them.

Analysis

Section 63 of the Act addresses the **Opportunity to settle dispute** and provides, in part, that “the director may record the settlement in the form of a decision or an order.” Based on the affirmed testimony of the parties, I find that the dispute has been resolved, and that it was specifically agreed as follows:

RECORD OF SETTLEMENT

- that the landlord, the tenant and the renters in the basement unit will enter into a **written agreement** which reflects in detail their common understanding around how access to the basement laundry facilities will be managed between them going forward;
- that the tenant will withhold **\$230.00** from the next regular payment of monthly rent;
- that the above amount reflects the tenant’s recovery of costs incurred for temporary use of outside laundry facilities in the amount of \$180.00, in addition to the \$50.00 filing fee for this application.

Conclusion

The parties settled their dispute pursuant to the Record of Settlement, as above.

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: January 05, 2016

Residential Tenancy Branch

