



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

**Dispute Codes:** *MNDC*

### **Introduction**

This hearing dealt with an application by the tenant pursuant to the *Residential Tenancy Act* for a monetary order for compensation for loss under the *Act*. Both parties attended 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.

### **Issues to be decided**

Has the tenant met the tenant's burden of proof that a loss was incurred due to the landlord's violation of the *Act* or tenancy agreement? Is the tenant entitled to compensation for this loss and if so, in what amount?

### **Background and Evidence**

The tenancy started on May 01, 2014. The monthly rent is \$1,400.00 due on the first day of each month.

The tenant testified that due to a water leak and the ensuing repairs, the tenant suffered a loss of quiet enjoyment and wants to be compensated for this loss.

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 dispute resolution proceedings, the settlement may be recorded in the form of a decision or an order. During this hearing, the parties reached an agreement to settle their dispute.

Specifically, it was agreed as follows:

1. The landlord offered the tenant \$700.00 as compensation for the loss of quiet enjoyment.
2. The tenant agreed to accept \$700.00 in full and final settlement of all claims against the landlord.
3. A monetary order in the amount of \$700.00 will be issued in favour of the tenant.
4. Both parties agreed that these particulars comprise **the full and final settlement of all aspects** of this dispute for both parties.

Based on the mutual agreement entered into by the parties, I grant the tenant a monetary order under section 67 of the *Residential Tenancy Act*, for **\$700.00**. This order may be filed in the Small Claims Court and enforced as an order of that Court.

### **Conclusion**

I grant the tenant a monetary order in the amount of \$700.00.

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 06, 2016

---

Residential Tenancy Branch