



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: DRI, CNL, MNDC, OLC, RR, FF, O

Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution (the "Application") made by the Tenants on March 18, 2016 for:

- For money owed or compensation for damage or loss under the *Residential Tenancy Act* (the "Act"), regulation or tenancy agreement;
- For the Landlord to comply with the Act, regulation or tenancy agreement
- To dispute a notice to end tenancy for Landlord's use of the property;
- To dispute an additional rent increase;
- To allow the Tenants to reduce rent for services or facilities agreed upon but not provided;
- To recover the filing fee from the Landlord; and
- For "Other" issues.

The parties appeared for the hearing and provided affirmed testimony. The Landlord confirmed receipt of the Tenants' Application after it was posted to the Landlord's door. While service of the Tenants' Application in this manner does not comply with Section 89 of the Act, I find the Landlord was served with the required documents pursuant to Section 71(2) (a) of the Act. The Landlord confirmed that she had not provided any written evidence prior to this hearing. The hearing process was explained to the parties and they had no questions about the proceedings. The parties were given an opportunity to present evidence and make submissions to me.

At the start of the hearing, the Tenants confirmed that they were no longer disputing the Landlord's notice to end tenancy served to them on March 3, 2016 as they had accepted the ending of the tenancy on May 31, 2015 pursuant to the notice to end tenancy. The Tenants also confirmed that they will be withholding rent for May 2016 pursuant to the compensation payable under the notice to end tenancy. As a result, the Tenants withdrew the Application to dispute the notice to end tenancy. The parties then provided evidence and submissions with regards to: the Landlord imposing an illegal rent increase from October 2015 in the amount of \$50.00 per month; and the Landlord

removing laundry and internet services from March 2016 onwards that were being provided to the Tenants. At the conclusion of the hearing, I offered the parties an opportunity to settle the matters by way of mutual agreement. The parties engaged into a discussion, turned their mind to compromise, and reached a resolution of the dispute.

Pursuant to Section 63 of the Act, the 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. Both parties agreed to settle the Tenants' Application in full under the following terms:

1. The Landlord is issued an Order of Possession effective May 31, 2016 at 1:00 p.m. pursuant to the notice to end tenancy for the Landlord's use of the property. This order may be enforced in the BC Supreme Court as an order of that court if the Tenants fail to vacate the rental suite on this date and time.
2. The Landlord agreed to pay the Tenants \$555.95 in monetary compensation to settle the Tenant's monetary claim and request for rent reduction. This includes compensation related to: an illegal rent increase; withdrawal of laundry and internet services; and half of the filing fee. The Tenants are issued with a Monetary Order for this amount which is enforceable in the Small Claims Division of the Provincial Court as an order of that court.
3. The Tenants will not get access to laundry or internet for the duration of the tenancy as the Tenants' compensation accounts for the value of these services.

The parties are cautioned that the provisions of the Act in relation to the return of the Tenants' security deposit at the end of the tenancy still apply. This agreement and orders are fully binding on the parties and are made in full satisfaction of the Application. The parties confirmed voluntary resolution in the above manner both during and at the conclusion of the hearing. This file is now closed. 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 29, 2016

Residential Tenancy Branch