



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 0781178 B.C. LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNDC, OLC

Introduction

This hearing dealt with an application by the tenants pursuant to the *Residential Tenancy Act* for an order to direct the landlord to comply with the *Act* and to provide services. The tenant also applied for a monetary order for compensation for the loss of heat and hot water during the winter months of 2015/2016.

The rental units consist of single occupancy rooms in a hotel. 18 tenants made this application and were represented by their advocates. The landlord attended the hearing and was assisted by legal counsel.

Both parties 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

Did the tenants suffer a loss of heat and hot water in the winter of 2015/2016? Was the landlord negligent with regard to maintenance of the rental units and provision of essential services? Are the tenants entitled to compensation?

Background and Evidence

The advocate for the tenants stated that the rental units are located in a building which is approximately 100 years old. The units consist of single rooms with shared bathroom and kitchen facilities.

During the hearing, the reasons for the tenants' applications for dispute resolution and possible solutions were discussed at length. During this discussion 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 under the following terms.

- The tenants agreed to accept \$300.00 each in full and final settlement of all claims against the landlord with regard to this application. The landlord agreed to provide each of the applicant tenants a cheque for \$300.00 by August 15, 2016. The landlord agreed to deliver cheques to the tenants' support worker's office.
- The landlord agreed to have rooms 225, 206, 116 and 209 checked out by a certified plumber in the presence of the tenants' advocate by prior arrangement. The landlord agreed to provide a report from the plumber outlining the status of the hot water supply along with temperatures of the water supply.
- The current advocacy group of the tenant agrees not to bring any further claims or assist other tenants with making claims against the landlord with regard to the heat and hot water problems at the hotel, up to the present date
- Both parties acknowledged that they understood and agreed with the above terms of their agreement.

Conclusion

Based on the above agreement I grant each of the 18 tenants a monetary order under section 67 of the *Residential Tenancy Act*, for **\$300.00**. This order may be filed in the Small Claims 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 Section 9.1(1) of the *Residential Tenancy Act*.

Dated: July 27, 2016

Residential Tenancy Branch

