



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, FF

Introduction

The Application for Dispute Resolution filed by the Tenant makes the following claims:

- a. A monetary order in the sum of \$2614
- b. An order to recover the cost of the filing fee.

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the Application for Dispute Resolution/Notice of Hearing was personally served on March 23, 2016. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the tenant is entitled to a monetary order for the reduced value of the tenancy and if so how much?
- b. Whether the tenant is entitled to recover the cost of the filing fee?

Background and Evidence

The tenancy began on June 1, 2002. The tenancy agreement provided that the tenant(s) would pay rent of \$1041 per month payable on the first day of each month. The tenant(s) was not sure but he testified he believed that he paid a security deposit of \$320 at the start of the tenancy.

Settlement:

During the presentation of his evidence the tenant referred to a number of photographs and digital files. Those files had not reached the arbitrator's file. The Rules of Procedure provide that an applicant must give evidence to the other side as soon as reasonable possible and in event within 14 days. The tenant testified he gave the evidence to the Branch a week ago. He explained that he was recovering from an injury and was not able to access the computer in a reasonable way.

I asked whether it was possible for the parties to reach a settlement. The parties negotiated and reached a settlement and they asked that I record the settlement pursuant to section 63(2) as follows:

- a. The landlord shall pay the tenant the sum of \$700 such sum may be deducted from future rent.
- b. The tenant shall have one month free parking.
- c. This is a full and final settlement and the tenant releases and discharges the landlord from all claims he has against the landlord as of August 22, 2016.

Monetary Order and Cost of Filing fee

I ordered the landlord(s) to pay to the tenant the sum of \$700 such sum may be deducted from future rent. I further ordered that that Tenant shall have one month free parking.

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: August 22, 2016

Residential Tenancy Branch