



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      FF, MNDC, RP, RR

### Introduction

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

- a. A monetary order in the sum of \$2295
- b. A repair order
- c. An order to allow the tenant to reduce rent for repairs, services, or facilities agreed upon by not provided.
- d. 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 served on the Landlord by mailing, by registered mail to where the landlord carries on business.

At the start of the hearing the Tenant testified the landlord completed the repairs of the deck on September 21, 2016 and he was withdrawing his claim for a repair order.

### 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 November 15, 2015. The tenancy agreement provided that the tenant(s) would pay rent of \$1700 per month payable on the first day of each month. The tenant(s) paid a security deposit of \$850 at the start of the tenancy.

The Application of the tenant sought compensation in the sum of \$2295 for the reduced value of the tenancy caused because of the poor condition of the deck. After filing this application the landlord repaired the deck on September 21, 2016. The tenant stated that he was prepared to withdraw his application for compensation if the landlord reimbursed him the sum of \$100 for the cost of the filing fee. The landlord agreed.

Settlement:

The parties reached a settlement and they asked that I record the settlement pursuant to section 63(2) as follows:

- a. The landlord shall pay to the Tenant the sum of \$100 for the cost of the filing fee such sum may be deducted from the rent for December.
- b. The tenant withdraws his claim for compensation for the reduced value of the tenancy caused by the poor condition on the deck and releases and discharges the landlord from all claims of compensation for the deck.

As a result of the settlement I ordered that the Landlord pay to the Tenant the sum of \$100 such sum may be applied to the rent for December. All other claims are dismissed.

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: November 02, 2016

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Residential Tenancy Branch

