



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding HILLSIDE GARDENS
and [tenant name suppressed to protect privacy]

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 the hearing 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

Is the tenant entitled to compensation?

Background and Evidence

The tenancy started in July 2015. The rent is \$680.00. The rental unit is an apartment located on the ground floor of a 3 storey building. A laundry facility is located adjacent to the rental unit. On May 04, 2016, the laundry room flooded and water entered the rental unit. The tenant contacted the landlord and received immediate assistance.

Both parties agreed that the landlord offered the tenant alternative accommodation and moving costs for the duration of the restoration work. The tenant stated that her personal belongings were damaged and she did not have insurance to cover them. The landlord pointed out to a clause in the tenancy agreement that required the tenant to have insurance to cover loss or damage to her personal property.

During the hearing, the reasons for the tenant's application 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 landlord agreed to pay the tenant compensation in the amount of one month's rent
- The tenant agreed to accept compensation in the amount of \$680.00 in full and final settlement of her claim against the landlord. A monetary order will be granted to the tenant.
- Both parties acknowledged that they understood and agreed with the above terms of their agreement.

The tenant and the landlord have reached a settled agreement, as recorded above. This settlement agreement was reached in accordance with section 63 of the *Residential Tenancy Act*. The parties are bound by the terms of this agreement, as well as by the terms of their tenancy agreement and the Act. Should either party violate the terms of this settled agreement, the tenancy agreement or the Act, it is open to the other party to take steps under the Act to seek remedy.

Conclusion

Pursuant to the above agreement I grant the tenant a monetary order in the amount of **\$680.00**.

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: November 02, 2016

Residential Tenancy Branch