



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, OLC, O, FF

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* ("Act") for:

- a monetary order for compensation under the *Act*, *Residential Tenancy Regulation* ("*Regulation*") or tenancy agreement, pursuant to section 67;
- an order requiring the landlord to comply with the *Act*, *Regulation* or tenancy agreement, pursuant to section 62;
- other remedies, specified as a past and future rent reduction, pursuant to section 65, and access to the garden at the rental unit, pursuant to section 70; and
- authorization to recover the filing fee for this application, pursuant to section 65.

The tenant and her advocate, HB (collectively "tenant") and the two landlords, male and female, attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses. This hearing lasted approximately 120 minutes in order to allow both parties to fully negotiate a settlement of this claim.

The landlords confirmed receipt of the tenant's application for dispute resolution hearing package and the tenant confirmed receipt of the landlords' written evidence package. In accordance with sections 88, 89 and 90 of the *Act*, I find that the landlords were duly served with the tenant's application and the tenant was duly served with the landlords' written evidence package.

Analysis

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. During the hearing, the parties discussed the issues between them, turned their minds to compromise and achieved a resolution of their dispute.

Both parties agreed to the following final and binding settlement of all issues currently under dispute at this time:

1. The landlords agreed that the tenant is permitted to use the garden area and her own barbeque, at the rental unit for the remainder of this tenancy, according to the following conditions;
 - a. Both parties agreed that the landlords will designate a specific garden area which the tenant is permitted to use in the front yard;
 - b. Both parties agreed that only the tenant, not any other guests or occupants, can use the designated garden area at the rental unit for the remainder of this tenancy;
2. Both parties agreed that the landlords will pay the tenant a total of \$425.00 by reducing the tenant's rent in the amount of \$425.00 for January 2017, on the following terms;
 - a. \$375.00 represents the tenant's entire monetary claim for this application, including a past and future rent reduction for losing use of the garden at the rental unit, compensation for overpaying rent and due to a rent increase, and not having parking on the property;
 - b. \$50.00 represents half the cost of the filing fee paid for this application;
3. The tenant agreed to bear the cost of \$50.00 which represents half the filing fee paid for this application;
4. The tenant agreed that this settlement agreement constitutes a final and binding resolution of her application at this hearing.

These particulars comprise the full and final settlement of all aspects of this dispute for both parties. Both parties affirmed at the hearing that they understood and agreed to the above terms, free of any duress or coercion. Both parties affirmed that they understood and agreed that the above terms are legal, final, binding and enforceable, which settle all aspects of this dispute.

Conclusion

The tenant must bear the cost of \$50.00 for half of the filing fee paid for this application.

I order the tenant to deduct \$425.00 from her future January 2017 rent payable to the landlords, in full satisfaction of the monetary award made at this hearing.

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: December 08, 2016

Residential Tenancy Branch