



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding STARLIGHT INVESTMENTS LTD.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MNDC, OLC, FF

### Introduction

This hearing dealt with a tenant's application for monetary compensation for damage or loss under the Act, regulations or tenancy agreement and orders for compliance. Both parties appeared or were represented at the hearing and were provided the opportunity to make relevant submissions, in writing and orally pursuant to the Rules of Procedure, and to respond to the submissions of the other party.

During the hearing the parties reached a mutual agreement in resolution of this matter. I have recorded the mutual agreement by way of this decision and the Monetary Order that accompanies it.

### Issue(s) to be Decided

What are the terms of the mutual agreement?

### Background and Evidence

During the hearing the parties reached the following mutual agreement in resolution of this matter:

1. The landlord shall compensate the tenant \$1,100.00 for any and all losses associated to construction activities at the residential property; the loss of amenities for months up to and including the month of December 2016; and reimbursement of the filing fee paid by the tenant for this application.
2. Starting January 1, 2017 and continuing until such time the swimming pool at the residential property is operational the tenant is authorized to reduce his monthly rent by \$20.00.
3. In order to receive the compensation outlined above, the tenant shall withhold the rent payment otherwise due for the month of February 2017 and the landlord will

give the tenant a notice indicating the amount of the partial payment that will be due on March 1, 2017.

### Analysis

Pursuant to section 63 of the Act, I have the authority to assist parties in reaching a settlement agreement during the hearing and to the agreement in the form of a decision or order.

I have accepted and recorded the mutual agreement reached by the parties during this hearing and make the terms an Order to be binding upon both parties.

I have provided the tenant with a Monetary Order in the amount of \$1,120.00 [which includes the \$20.00 compensation for lack of a swimming pool in January 2017] that the tenant may serve and enforce in the event the tenancy ends before the compensation is realized by the tenant by way of withholding rent. Assuming the tenancy continues through March 2017 and the tenant withholds rent for February 2017 and partially for March 2017 as calculated in accordance with the mutual agreement, the Monetary Order will become null and void.

### Conclusion

The parties reached a mutual agreement in resolution of this application that I have recorded by way of this decision and the Monetary Order that accompanies it.

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: January 19, 2017

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Residential Tenancy Branch