



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC

Introduction

The Application for Dispute Resolution filed by the Tenants claims a monetary order in the sum of \$3800

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.

The Tenants wrote a letter dated January 27, 2017 the claimed an additional \$4200. I ruled that I could not consider that additional claim as the Tenants failed to amend their Application for Dispute Resolution as they are required to do by the Rules of Procedure.

I find that the Application for Dispute Resolution/Notice of Hearing was personally served on the landlord in early December as the landlord acknowledged service of the documents. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided:

The issue to be decided is whether the tenants are entitled to a monetary order for the reduced value of the tenancy and if so how much?

Background and Evidence

The written tenancy provided that the tenancy would start on March 1, 2016 and end on began on February 28, 2017. The tenancy agreement provided that the tenant(s) would pay rent of \$1800 per month payable on the first day of each month. The tenant(s) paid a security deposit of \$900 on February 22, 2015.

The Application for Dispute Resolution claims the Tenants experienced a number of floods that caused damage to their personal belongings and made the rental unit uninhabitable. They claim the reimbursement of the rent for October 2016 and \$2000 for damaged items.

The Tenants gave the landlord notice in writing they were vacating the rental unit on November 1, 2016. They vacated the rental unit on November 15, 2016. The rent for November was not paid. The landlord returned the \$900 security deposit.

Settlement:

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

- a. The landlord shall pay to the Tenants the sum of \$2400.
- b. The parties request the arbitrator issue a monetary order in the sum of \$2400.
- c. This is a full and final settlement and each party releases and discharges the other from all further claims with respect to this tenancy.

Monetary Order and Cost of Filing fee

As a result of the settlement I ordered the landlord(s) to pay to the tenants the sum of \$2400. All other claims in this application are dismissed.

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial Court and enforced as an Order of that Court.

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: February 06, 2017

Residential Tenancy Branch