



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MNDC, MNR, SS, and FF

Introduction

This hearing was convened in response to the Tenants' Application for Dispute Resolution, in which the Tenants applied for a monetary Order for money owed or compensation for damage or loss; to recover the cost of emergency repairs; for authority to serve documents in an alternate manner; and to recover the fee for filing this Application for Dispute Resolution.

The Tenant with the initials L.B., hereinafter referred to as LB stated that on October 14, 2016 the Application for Dispute Resolution, the Notice of Hearing, 17 pages of evidence and a USB that were submitted to the Residential Tenancy Branch on October 11, 2016, and 4 pages of evidence that were submitted to the Residential Tenancy Branch on October 11, 2016, were sent to the Landlords, via registered mail. The male Landlord acknowledged receipt of the evidence and it was accepted as evidence for these proceedings.

On March 16, 2017 the Landlords submitted 7 pages of evidence to the Residential Tenancy Branch. The male Landlord stated that this evidence was mailed to the Tenants on March 21, 2017. LB acknowledged receiving this evidence and it was accepted as evidence for these proceedings.

Preliminary Matter

There was a significant amount of background noise during the hearing, ranging from coughing, a child crying, and what appeared to be somebody typing. The typing noise persisted in spite of my direction that the noise must stop. The background noises were interfering with my ability to hear and with the male Landlord's ability to hear.

Fifteen minutes after the commencement of the hearing the female Landlord, the Tenant with the initials A.S., and the Tenant with the initials N.M. were placed in "mute mode", which eliminated the background noises.

The male Landlord and LB were not placed in "mute mode", as they had been identified as the primary spokesperson for the two parties. The Tenant with the initials N.M. was later removed from "mute mode" and was able to participate in the hearing without interfering with the hearing.

Issue(s) to be Decided

Are the Tenants entitled to compensation arising from a sewer backup?

Are the Tenants entitled to recover the cost of emergency repairs?

Is there a need to grant the Tenants the authority to serve documents in an alternate manner?

Background and Evidence

After hearing approximately 80 minutes of testimony the parties were advised that there was insufficient time to conclude the hearing and the matter would be adjourned. Upon being advised that the hearing was to be adjourned the parties indicated a desire to reach a settlement agreement and they were able to reach a settlement agreement.

The parties mutually agreed to settle all issues in dispute at these proceedings under the following terms:

- the Landlord will write a cheque in the name of the Tenant with the initials N.M.;
- the cheque will be in the amount of \$1,000.00; and
- the cheque will be mailed to the Tenant with the initials N.M. by the end of this week.

After the settlement agreement was reached all the parties present acknowledged that they understood this settlement agreement was final and binding, and that they voluntarily entered into the agreement.

Due to an apparent problem with the teleconferencing system I was unable to remove the Tenant with the initials A.S. from "mute mode". LB stated that she was in contact with the Tenant with the initials A.S. by text message and she confirmed that he agreed with the terms of the settlement agreement; he understood the settlement agreement was voluntary; and he understood the agreement was final and binding.

Analysis

All issues in dispute at these proceedings have been settled in accordance to the aforementioned terms.

Conclusion

On the basis of the settlement agreement I grant the Tenants a monetary Order for \$1,000.00. In the event the Landlords do not comply with the agreement to pay \$1,000.00 to the Tenant with the initials N.H. by April 08, 2017, this Order may be served on the Landlords, filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

This settlement agreement is recorded on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: April 06, 2017

Residential Tenancy Branch