



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      ERP MNDC OLC O FF

### Introduction

This reconvened hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* ("the *Act*") for: a monetary order for compensation for damage or loss under the *Act*, 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; authorization to recover the filing fee for this application from the landlord pursuant to section 72.

On the original hearing date, the parties both had inquiries to make in order to provide information regarding the current condition of the rental unit and any insurance claim updates. Therefore, the matter was adjourned to this hearing date. There were no new materials issued: both parties acknowledged service of evidentiary materials at the previous hearing. Both parties attended this hearing (the landlord's representative and the tenant). Both parties were given a full opportunity to be heard and present their testimony including any updated information.

Before the conclusion of this hearing, the parties discussed the issues remaining between them, engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

### Background and Evidence

This tenancy began on February 1, 2014 with a monthly rental amount of \$650.00. The landlord holds a \$325.00 paid by the tenant at the outset of this tenancy (January 10, 2014). The tenancy is ongoing.

As a result of the flood, the tenant's rental unit was uninhabitable. She was required to temporarily vacate the rental unit. She has been living and paying rent elsewhere since

the flood occurred in February 2017. The tenant has had costs, including room rental and food costs, while living outside of her long term rental unit.

The landlord has been working to resolve the damage in the rental unit but, due to language barriers, there has been communication issues and the tenant has been left uninformed about when she would be able to return to her unit as well as when she would be able to inspect her unit to ensure the repairs were satisfactory.

The landlord's representative has now taken steps to ensure the tenant is informed and satisfied with the rental unit. As a result of those steps and the communication between parties, they were able to reach an agreement with respect to the tenant's application.

### 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. Given the agreement reached between the parties during the proceedings, I find that the parties have settled their dispute and the following records this settlement as a decision:

#### **The Parties mutually agreed as follows:**

1. The landlord agreed to ensure 3-4 holes in the ceiling of the tenant's rental unit are prepared before June 1, 2017 at 1 in the afternoon.
2. The parties agreed that the tenant will be entitled to return to the rental unit on or before June 1, 2017 at one in the afternoon.
3. The landlord agreed to pay the tenant \$1825.00 by June 1, 2017 at five in the evening.
4. These terms comprise the full and final settlement of all aspects of this dispute for both parties.

The tenancy will continue.

The parties confirmed at the end of the hearing that this agreement was made on a voluntary basis and that the parties understood the nature of this full and final settlement of this matter.

Conclusion

To give effect to the settlement reached between the parties, I grant the tenant a monetary order in the amount of \$1825.00 to be used if and only if the landlord does not pay in accordance with the agreement above by June 1, 2017.

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: May 5, 2017

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Residential Tenancy Branch