



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## Decision

Codes: MNDC

### Introduction

The Application for Dispute Resolution filed by the Tenant makes the following claims:

- a. An order that the landlord make emergency repairs
- b. A monetary order in the sum of \$6500
- c. An order that the landlord provide services or facilities required by law
- d. An order to allow the tenant to reduce rent for repairs, services, or facilities agreed upon by not provided.
- e. An order that the landlord return the security deposit
- f. An order to recover the cost of the filing fee.

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.

I find that the Application for Dispute Resolution/Notice of Hearing was served on the landlord by registered mail on August 11, 2017. With respect to each of the applicant's claims I find as follows:

### Issues to be Decided

The issues to be decided are as follows:

- a. Whether the tenant is entitled to a monetary order for the reduced value of the tenancy and if so how much?
- b. Whether the tenant is entitled to recover the cost of the filing fee?

### Background and Evidence:

The tenancy began on April 1, 2016 when the parties entered into a one year fixed term written contract. The rent was \$1850 per month. The parties entered into a second one year fixed term tenancy agreement that provided that the tenancy would start on April 1, 2017 and end on March 30, 2018. The present rent is \$1875 per month payable in advance on the first day of the month. The tenants paid a security deposit of \$925 at the start of the tenancy. The tenants still have possession of the rental unit. The rent for November has been paid.

The tenants seek compensation in the sum of \$6500 for breach of the covenant of quiet enjoyment. They testified they have suffered significantly from other tenants smoking illegal drugs and the landlord has failed to take reasonable steps to deal with the problem. The tenants also wished to end the fixed term tenancy so that they can find alternative accommodation. The landlord disputes the Tenants claims.

#### Law

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

- a. The parties mutually agree to end the tenancy on November 30, 2017.
- b. The parties request the arbitrator issue an Order of Possession for November 30, 2017.
- c. The landlord agrees that provided the tenants vacate the rental unit by November 30, 2017 the landlord releases and discharges the tenants from any possible claims the landlord may have for loss of rent for the unexpired portion of the fixed term.
- d. The tenants shall permit the landlord to show the rental unit to prospective tenants during November 2017.
- e. The tenants are entitled to compensation in the sum of \$937.50 being one half of the rent for the month of November. The landlord shall pay to the Tenants the sum of \$937.50 by November 30, 2017.
- f. The landlord shall return the security deposit to the Tenants on November 30, 2017 provided the rental unit is in the same condition it was when the Tenants took possession.
- g. This is a full and final settlement of all claims each party has to the date of the hearing and each party releases and discharges the other from making any claims relating to matters to the date of the hearing.

#### Decision and Orders:

As a result of the settlement I granted an Order of Possession effective November 30, 2017.

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

I ordered that the landlord pay to the Tenants the sum of \$937.50 by November 30, 2017. All other claims raised in the Application for Dispute Resolution are dismissed.

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 final and binding on the parties.**

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: November 02, 2017

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Residential Tenancy Branch