



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes RP, MNDC

Introduction

This hearing was scheduled to deal with a tenant's application for repair orders and monetary compensation for damages or loss under the Act, regulations or tenancy agreement. 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.

After both parties had an opportunity to be heard, the parties turned their minds to resolving this dispute by way of a mutual agreement. I was able to facilitate a mutual agreement between the parties and I have recorded it by way of this decision.

Issue(s) to be Decided

What are the terms of the mutual agreement?

Background and Evidence

The parties mutually agreed upon the following terms during the hearing:

1. The Notice of Rent Increase signed by landlord on January 15, 2018 is withdrawn and the tenant's rent remains at \$690.00 per month until October 1, 2018 when the tenant's monthly rent is increased to \$745.00 with her express consent.
2. The landlord will give the tenant a new Notice of Rent Increase this month to reflect the above described rent increase from \$690.00 to \$745.00 per month effective October 1, 2018.
3. The landlord shall have new windows installed in the rental unit. The landlord shall make his best efforts to have the new windows installed before October 2018 but will ensure the new windows are installed no later than October 15, 2018.
4. Should the landlord fail to have the new windows installed by October 15, 2018 the tenant is at liberty to seek a rent reduction from the landlord for the period after October

15, 2018 until the new windows are installed. The parties will make their best efforts to reach a mutual agreement in this circumstance.

As a point of clarity, during the hearing the tenant informed the landlord that while she is away during the winter months (usually November through March) the landlord may serve her with any documentation by sending it to her PO Box mailing address as she has a person who picks up her mail while she is away and communicates with her during those months. The landlord confirmed the tenant's PO Box number with the tenant.

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 record 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 I the term(s) an Order to be binding upon both parties.

For added certainty, this decision shall serve as the tenant's agreement for the rent increase of \$55.00 per month starting October 1, 2018 in satisfaction of the requirement of section 43(1)(c) of the Act.

With respect to term number 4 of the mutual agreement, if it applies, should the parties not reach a mutual agreement the tenant is at liberty to seek remedy by filing another Application for Dispute Resolution.

Conclusion

The parties reached a mutual agreement during this hearing that I have recorded in this decision.

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: June 21, 2018

Residential Tenancy Branch