



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, ERP, FFT, OLC, RR, RP

Introduction

This hearing convened as a result of a Tenant's Application for Dispute Resolution filed on May 7, 2018, wherein the Tenants sought the following:

- an Order canceling a 1 Month Notice to End Tenancy for Cause issued on April 30, 2018 (the "Notice");
- an Order that the Landlord comply with the *Residential Tenancy Act*, and make repairs, emergency and otherwise;
- an Order that the Tenants be permitted to reduce their rent for the cost of repairs or services or facilities; and,
- recovery of the filing fee.

The hearing was conducted by teleconference on July 3, 2018. The Tenants called into the hearing as did an agent for the Landlord. The hearing process was explained and the participants were asked if they had any questions. Both parties were provided the opportunity to present their evidence orally and in written and documentary form, and make submissions to me.

Settlement and Conclusion

During the hearing the parties resolved matters by mutual agreement. The terms of their agreement is recorded in this my Decision and Order pursuant to section 63 of the *Residential Tenancy Act* and Rule 8.4 of the *Residential Tenancy Branch Rules of*

Procedure. As the parties resolved matters by agreement I make no findings of fact or law with respect to their relative claims.

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.

The terms of their settlement follow.

Settlement and Conclusion

1. The Notice is withdrawn. The tenancy shall continue until ended in accordance with the *Residential Tenancy Act*.
2. The Landlord's agent shall attend the rental property on July 4, 2018 to:
 - a. address the issue of any rodents in the rental unit and rental property; and
 - b. inspect the window coverings and determine if any window coverings (which came with the rental unit) can be disposed of and shall record his conclusions in an email to the Tenants.
3. By no later than July 17, 2018, the Landlord's agent shall retain the services of at least two professional roofing companies to inspect and report on the condition of the roof. The Landlord's agent shall request that the roofing company provide their recommendations in writing, which shall be provided to the Tenants within 2 days of receipt of same.
4. By no later than September 1, 2018, the Landlord shall:
 - a. have the furnace professionally serviced;
 - b. have the gutters cleaned, repaired and replaced if required; and,
 - c. ascertain the status of the wood burning fireplace in terms of the Landlord's property insurance and shall advise the Tenants as to whether the fireplace can continue to be used.

5. In the event the fireplace can continue to be used, the Tenants shall be at liberty to hire a professional chimney cleaning company to clean and inspect the chimney and shall be permitted to recover this expense by a one time equivalent reduction in their rent.
6. The Tenants shall have the vents and duct work inspected and cleaned and shall be permitted to recover this expense by a one time equivalent reduction in their rent.
7. The Tenants shall be permitted to reduce their August 2018 rent by \$100.00 as recovery of the filing fee.
8. The Landlord and the Tenants shall communicate through the Landlord's agent, D.M., also known as A.M.

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: July 03, 2018

Residential Tenancy Branch