



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CASCADIA APARTMENT RENTALS LTD and SHANNON APARTMENTS
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes RP, FFT

Introduction

On January 8, 2019, the Tenants submitted an Application for Dispute Resolution under the *Residential Tenancy Act* (“the Act) requesting that the Landlord be ordered to repair the rental unit and to recover the filing fee for this hearing. The matter was set for a conference call.

Both the Landlord and one of the Tenant attended the hearing and were each affirmed to be truthful in their testimony. The Landlord and Tenant were provided with the opportunity to present their evidence orally and in written and documentary form, and to make submissions at the hearing. The parties testified that they exchanged the documentary evidence that I have before me.

I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Preliminary Matter – Settlement

During the hearing, both parties expressed a desire to enter into a mutual agreement to resolve the Tenant’s application for dispute resolution.

Section 63 of the *Act* allows for the parties to consider a settlement to their dispute during the hearing, and that any settlement agreement reached during the hearing may be recorded in the form of a decision and an order. In accordance with this, an

opportunity for a settlement discussion was presented, and the parties came to an agreement on a settlement that would resolve their dispute.

During the hearing, the parties agreed to the following settlement:

1. The Landlord will remove the current carpeting from the rental unit and replace the previously carpeted areas with new vinyl plank flooring no later than April 1, 2019.
2. The monthly rent for the rental unit will be increased to \$1,200.00, per month as of April 1, 2019.
3. That the Landlord will not impose a rent increase, for this rental unit, for at least 12 months after April 1, 2019.

The above terms of the settlement agreement were reviewed with all parties at the end of the hearing, and all parties confirmed that they were entering into the settlement agreement on a voluntary basis. They also confirmed understanding of the terms of the settlement agreement as full and final settlement of this matter.

Section 72 of the *Act* gives me the authority to order the repayment of a fee for an application for dispute resolution. I find that the Tenants are entitled to recover the \$100.00 filing fee paid for this application from the Landlord. I grant the Tenants permission to take a one-time deduction of \$100.00, from their next month's rent, in full satisfaction of this award.

Conclusion

The parties are ordered to comply with the terms of the settlement agreement as outlined in this decision.

I grant the Tenants permission to take a one-time deduction of \$100.00, from their next month's rent.

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: February 14, 2019

Residential Tenancy Branch