



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCT, OLC, ERP, RP, FFT

Introduction

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* ("Act") for:

- a monetary order of \$21,914.33 for compensation for damage or loss under the *Act*, *Residential Tenancy Regulation* ("Regulation") or tenancy agreement, pursuant to section 67;
- an order requiring the landlords to comply with the *Act*, *Regulation* or tenancy agreement, pursuant to section 62;
- an order requiring the landlords to complete emergency and regular repairs to the rental unit, pursuant to section 33; and
- authorization to recover the filing fee for this application, pursuant to section 72.

The two landlords and the two tenants (male and female) attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses. The female tenant's agent attended and confirmed that she had permission to represent the female tenant at this hearing. The landlords' observer attended but did not testify or participate in the settlement. This hearing lasted approximately 57 minutes.

The landlords confirmed receipt of the tenants' application for dispute resolution hearing package and the tenants confirmed receipt of the landlords' written evidence package. In accordance with sections 88, 89 and 90 of the *Act*, I find that the landlords were duly served with the tenants' application and the tenants were duly served with the landlords' written evidence package.

Settlement Terms

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 and orders. During the hearing, the parties discussed the issues between them, turned their minds to compromise and achieved a resolution of their dispute.

Both parties agreed to the following final and binding settlement of all issues currently under dispute at this time:

1. The landlords agreed to repair and paint the ceiling and replace the fan in the bathroom of the rental unit by March 7, 2019;
2. The landlords agreed to repair the bedroom walls and windows in the rental unit by April 30, 2019;
3. The landlords agreed to paint the entire rental unit and replace the carpet in the rental unit by June 1, 2019, after the bedroom and bathroom repairs are completed;
4. The landlords agreed to pay the tenants compensation of two month's rent totaling \$1,960.00 to be enforced by way of a rent reduction so that the tenants are not required to pay any rent to the landlords for March 2019 and April 2019;
5. The tenants agreed to bear the cost of the \$100.00 filing fee for this application;
6. The tenants agreed that this settlement agreement constitutes a final and binding resolution of their application at this hearing, including their monetary claim for \$21,914.33 and that they will not pursue this same claim against the landlords at any time in the future at the Residential Tenancy Branch.

These particulars comprise the full and final settlement of all aspects of this dispute for both parties. Both parties understood and agreed to the above terms, free of any duress or coercion. Both parties affirmed that they understood and agreed that the above terms are legal, final and binding and enforceable, which settle all aspects of this dispute.

Conclusion

I order the landlords to complete the above repairs by the above dates.

I order that the tenants are not required to pay any rent to the landlords for March 2019 and April 2019.

The tenants must bear the cost of the \$100.00 filing fee paid for this application.

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 21, 2019

Residential Tenancy Branch