



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Devon Properties
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes RR FF

Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution. A hearing by telephone conference was held on February 6, 2019 and March 28, 2019. The Tenant applied for monetary compensation in the form of a rent rebate/reduction for a loss of use and loss of quiet enjoyment, pursuant to the *Residential Tenancy Act* (the *Act*).

The Tenant and his advocate as well as counsel for the Landlord were present at both of the hearings. All parties provided testimony and were given a full opportunity to be heard, to present evidence and to make submissions. Both parties confirmed receipt of each other's documentary evidence.

I note each party had the opportunity to submit well over 100 pages of documentation including complex written submissions. 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. Since the parties chose to proceed with a settlement agreement, not all evidence and testimony presented up until the point in which a settlement agreement was reached will be addressed and summarized.

Settlement Agreement

During the hearing, a mutual agreement was discussed and the Tenant agreed to withdraw his application in pursuit of the following settlement agreement. The Landlord consented to this.

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 or an order.

Given the agreement reached between the parties during the proceedings, I find that the parties have settled their dispute and the following records this settlement as a decision:

- The Tenant withdraws his application in full
- The Landlord will pay the Tenant \$5,500.00 in compensation to settle the issues identified on the Tenant's application for a rent reduction.
- These terms comprise the full and final settlement of this dispute for both parties.

The parties confirmed at the end of the hearing that this agreement was made on a voluntary basis.

Conclusion

The Tenant is granted a monetary order in the amount of **\$5,500.00**, as specified above. This order must be served on the Landlord. If the Landlord fails to comply with this order the Tenant may file the order in the Provincial Court (Small Claims) and be enforced as an order of that Court.

This Order **must** be read in conjunction with the above mutual settlement agreement and the Tenant **must not** seek to enforce this Order on the Landlord, unless the Landlord fails to meet the conditions of the payment plan.

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: March 29, 2019

Residential Tenancy Branch