



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding SUNRIDGE GARDENS and CENTURY GROUP LANDS CORPORATION and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes DRI MNDCT FFT

Introduction

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

- dispute of a rent increase pursuant to section 41 of the *Act*;
- a monetary order for compensation for damage or loss under the *Act*, regulation or tenancy agreement, pursuant to section 67 of the *Act*; and
- recovery of the filing fee for this application from the landlord pursuant to section 72 of the *Act*.

Both parties attended the hearing and were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. Tenant's agents L.M. and S.M. attended and spoke on behalf of the tenant. Landlord's agents T.S. and P.M. attended and spoke on behalf of the corporate landlord.

As both parties were present, service of hearing documents was confirmed.

The landlord's agents confirmed that the corporate landlord's name was not correctly noted on the application, therefore, I have amended the tenant's application to correctly state the corporate landlord's name.

Analysis

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. 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 the issue currently under dispute at this time:

1. Effective April 1, 2019, the tenant's monthly rent will be set at the amount noted on the cover sheet of this Decision (for the purposes of maintaining confidentiality).
2. The tenant's monthly rent shall only be subject to allowable annual rent increases in accordance with the *Act*.
3. The tenant's monthly rent will continue to include all of the services currently provided by the landlord, agreed to by both parties as follows:
 - Self contained suite
 - 24-hour security and on-site staff to respond to emergencies
 - All meals and snacks
 - Weekly suite housekeeping
 - Weekly laundry service of linens
 - Recreation programs organized by Sunridge Gardens staff
 - Courtesy van to medical or other appointments
 - External entertainers paid for and organized by Sunridge Gardens staff
 - All utilities
 - Wellness clinics to monitor blood pressure, vision, hearing, as an example
 - Accessible shared bathing room/walk in tub
 - Shared kitchen space for personal baking and cooking
 - Library with internet access
 - Exercise studio
4. The parties are at liberty to negotiate a mutually agreeable increase in rent in exchange for an increase or change in services offered by the landlord in future.
5. Both parties agreed that the terms of this settlement as outlined above constitute a final and binding resolution of the tenant's application for dispute resolution filed on January 27, 2019 and the landlord's notices of rent increase. As such, the tenant's application is dismissed in its entirety and the landlord's notices of rent increase are of no force or effect.
6. The parties agreed to the terms of this settlement free of any duress or coercion.

The parties are still bound by all of the rights, responsibilities, terms, conditions and any statutory compensation provisions of the tenancy agreement, the *Act*, and the associated regulations.

Conclusion

The tenant's monthly rent is set at the amount noted on the cover sheet of this Decision.

The tenant's application for dispute resolution dated January 27, 2019 is dismissed in its entirety.

The landlord's notices of rent increase are cancelled and of no force or effect.

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 13, 2019

Residential Tenancy Branch