



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Decision Codes: MNDCT, RR, OLC, FFT

### **Introduction**

The Application for Dispute Resolution filed by the Tenant makes the following claims:

- a. A monetary order in the sum of \$8646.10
- b. An order to allow the tenant to reduce rent for repairs, services, or facilities agreed upon by not provided.
- c. An order that the landlord comply with the Act, Regulations and/or tenancy agreement.
- d. An order to recover the cost of the filing fee.

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Rather than engage in litigation the parties negotiated a settlement which is recorded below.

I find that the Application for Dispute Resolution/Notice of Hearing was served on the landlord by mailing, by registered mail to where the landlord carries on business. The landlord acknowledged receipt of the documents.

### **Issues to be Decided**

The issues to be decided are as follows:

- a. Whether the tenant is entitled to a monetary order for the reduced value of the tenancy and if so how much?
- b. Whether the tenant is entitled to an order for the reduction of rent?
- c. Whether the tenant is entitled to an order that the landlord comply with the Act, Regulations and/or tenancy agreement?
- d. Whether the tenant is entitled to recover the cost of the filing fee?

### **Background and Evidence:**

The tenancy began on 2012. The named Tenant on the tenancy agreement is the Applicant's father. The Applicant testified she has taken over the lease from her father.

However, she has not made the appropriate arrangements to assign the lease with the landlord.

The present rent is \$1885 plus \$75 for parking plus \$20 for storage. The tenant(s) paid a security deposit of \$900 at the start of the tenancy.

The tenant experienced a problem with a significant leak that occurred in her rental unit. It appears that it was caused by a malicious act by a third party. The tenant was forced to vacate the rental unit for an extended period of time to permit the restoration.

The tenant claims for reimbursement of rent paid, additional food expenses, cleaning fees, hydro, internet that she was not able to use, additional storage cost.

I landlord filed a claim against the Tenant for the failure of the Tenant to have Tenant's Insurance but that claim has been withdrawn.

Settlement:

The parties reached a settlement and they asked that I record the settlement pursuant to section 63(2) of the Residential Tenancy Act as follows:

- a. The landlord shall pay to the Applicant the sum of \$3770 plus \$50 (for half the cost of the filing fee) for a total of \$3820.
- b. In addition the landlord shall pay to the tenant the full cost of the Tenant's hydro bill(s) for the period March 10, 2019 to May 9, 2019 provided the Tenant provides the landlord with copies of the bills.
- c. This is a full and final settlement and the tenant releases and discharges the landlord from all claims she has against the landlord raised in this Application for Dispute Resolution.
- d. The landlord releases and discharges the tenant from any possible claim it has against the Tenant for the failure to have Tenant's Insurance up to June 1, 2019.

Monetary Order and Cost of Filing fee

**As a result of the settlement I ordered the landlord(s) to pay to the tenant the sum of \$3770 plus the sum of \$50 in respect of the filing fee for a total of \$3820. I further ordered the landlord to pay to the Tenant the full cost of the Tenant's hydro bill(s) for the period March 10, 2019 to May 9, 2019. All other claims raised in this application are dismissed.**

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial Court and enforced as an Order of that Court.

**This decision is final and binding on the parties.**

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: May 14, 2019

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Residential Tenancy Branch