



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding AWM ALLIANCE REAL ESTATE GROUP LTD. and [tenant name suppressed to protect privacy]

REVIEW HEARING DECISION

Dispute Codes MNDCT RP PSF FFT

Introduction

This hearing dealt with a Review Hearing of the tenant's original Application for Dispute Resolution (application) seeking remedy under the *Residential Tenancy Act* (the Act) for a monetary order for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement, for repairs to the unit, site or property, for an order directing the landlord to provide services or facilities agreed upon but not provided, and to recover the cost of the filing fee.

On October 22, 2019, an arbitrator issued a decision granting the tenant a monetary order against the landlord in the amount of \$3,600.00 plus a rent reduction until the heating system is repaired. The landlord did not attend the hearing, and applied for a review of that arbitrator's October 22, 2019 decision and order, citing that they were unable to attend the hearing.

On October 31, 2019, a different arbitrator suspended the original arbitrator's decision dated October 22, 2019, pending the outcome of this Review Hearing.

The tenant and two agents for the landlord AQ and TJ (agents) attended this Review Hearing. During the Review Hearing, the parties agreed to settle this matter as indicated above, but not before I severed the claim for monetary compensation under Rule 2.3 of the Residential Tenancy Branch (RTB) Rules of Procedure (Rules).

Preliminary and Procedural Matters

Rule 2.3 of the RTB Rules authorizes me to dismiss unrelated disputes contained in a single application. In this circumstance the tenant indicated several matters of dispute on the application, the most urgent of which is the application for repairs to the heating

system. I find that not all the claims on the application are sufficiently related to be determined during this proceeding. I will, therefore, only consider the tenant's request for repairs to the heating system and for the filing fee at this proceeding. The balance of the tenant's application is dismissed, **with leave to re-apply**.

The parties confirmed their email address at the outset of the hearing and stated that they understood that the decision and any applicable orders would be emailed to them.

Settlement Agreement

Section 63 of the Act, states:

Opportunity to settle dispute

63(1) The director may assist the parties, or offer the parties an opportunity, to settle their dispute.

(2) If the parties settle their dispute during dispute resolution proceedings, the director may record the settlement in the form of a decision or an order.

During the hearing the parties agreed to settle the matter that was not severed as indicated above, based on the following:

1. The parties agree that should there be issues relating to heating problems in the rental building the tenant will use the online maintenance request form, which the landlord states are responded to within 24 hours.
2. Further to #1 above, if the tenant has a problem with the heating in the future on a holiday, weekend or after normal business hours of 9:00 a.m. to 5:00 p.m. weekdays, the tenant agrees to also report the problem to the landlord's emergency contact telephone number confirmed during the hearing.

Based on the parties reaching a mutually settled agreement under section 63 of the Act and pursuant to section 81, **I set aside** the October 22, 2019 decision and orders.

I order the parties to comply with their mutually settled agreement.

I grant the tenant the filing fee in the amount of **\$100.00** pursuant to section 72 of the Act. I authorize the tenant to deduct \$100.00 from a future month's rent in full satisfaction of the filing fee under the Act.

Conclusion

The original decision dated October 22, 2019 is set aside.

The matter that was not severed as indicated above was resolved by way of a mutually settled agreement pursuant to section 63 of the Act. The tenant is at liberty to reapply for the portion severed as indicated above.

I order the parties to comply with their mutually settled agreement described above.

The tenant has been authorized to deduct \$100.00 from a future month's rent in full satisfaction of the filing fee pursuant to section 72 of the Act.

This decision will be emailed to both parties at the email addresses confirmed by the parties during the hearing.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: December 30, 2019

Residential Tenancy Branch