



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes RP, FF

Introduction

This hearing was convened in response to an application by the Tenant pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order for repairs - Section 32; and
2. An Order to recover the filing fee for this application - Section 72.

The Landlord and Tenant were each given full opportunity under oath to be heard, to present evidence and to make submissions. During the hearing the Parties reached a settlement agreement.

Agreed or Undisputed Facts

The tenancy began in 1991. Rent of \$747.00 is payable on the first day of each month. The Landlord has made satisfactory repairs to the bathroom tiles and floor transition strips prior to this hearing. The entire unit was painted at the outset of the tenancy and more than 10 years ago the bathroom and kitchen were painted. The walls in the kitchen, bathroom and hallway soil easily, cannot be cleaned and some paint cracks are visible. The interior fridge light flickers and it may be that the interior temperature of the fridge is not working sufficiently.

Settlement Agreement

The Parties mutually agree as follows:

- 1. The Landlord will have a certified refrigerator technician inspect the fridge no later than the end of the day on Friday January 23, 2020;**
- 2. If this inspection finds that the fridge temperature is not at the correct level and that the fridge light is not working the Landlord will complete repairs to these items immediately or as soon as possible thereafter;**
- 3. The Landlord will obtain a written report from the technician of the fridge inspection and any repairs made or to be made by the technician;**

4. **The Landlord will paint the hallway walls, the bathroom walls and the kitchen walls, including the kitchen cupboards no later than February 20, 2020; and**
5. **The Tenant will allow reasonable access to the unit by the Landlord after the Landlord provides notice of such access for the purpose of painting the unit; and**
6. **These terms comprise the full and final settlement of all aspects of this dispute for both Parties.**

Section 63(2) of the Act provides that if the parties settle their dispute during dispute resolution proceedings, the director may record the settlement in the form of a decision or order. Given the mutual agreement reached during the hearing, I find that the Parties have settled their dispute as recorded above and I order the Parties to act as agreed and set out above. If the Landlord does not act as agreed the Tenant has leave to reapply for compensation.

As the Tenant's claim for repairs has had merit, I find that the Tenant is entitled to recovery of the **\$100.00** filing fee and the Tenant may deduct this amount from future rent payable in full satisfaction of this claim.

Conclusion

The Parties have settled the dispute.

I grant the Tenant an order under Section 67 of the Act for **\$100.00**. If necessary, this order may be filed in the Small Claims Court and enforced as an order of that Court.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: January 21, 2020

Residential Tenancy Branch