



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **ERP, FFT**

Introduction

This expedited hearing was scheduled to deal with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- An order for emergency repairs pursuant to section 33;
- Authorization to recover the filing fee for this application from the landlord pursuant to section 72.

The tenants were represented at the hearing by their agent, AM. The landlord attended the hearing and was represented by her agent, IR. As both parties were in attendance, service of documents was confirmed. The landlord confirmed receipt of the tenant's notice of expedited hearing and the parties acknowledged the exchange of evidence and stated there were no concerns with timely service of documents. Both parties were prepared to deal with the matters of the application.

Preliminary Issue

The tenant's Application for Dispute Resolution sought an order for the landlord to perform emergency repairs pursuant to section 33 which includes the primary heating system. The tenant also sought access to laundry facilities which is not an emergency repair under section 33. As this hearing was scheduled pursuant to the expedited hearing criteria which excludes non-emergency matters, only the issue of repairs to the primary heating system was heard.

Settlement Reached

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 all issues currently under dispute at this time:

1. By consent, the landlord will purchase a space heater for the tenants' personal use within the next seven (7) days.
2. The space heater will remain the possession of the landlord.

Both parties testified at the hearing that they understood and agreed to the above terms, free of any duress or coercion. Both parties testified that they understood and agreed that the above terms are legal, final, binding and enforceable, which settle all aspects of this dispute.

The decision to award the filing fee is discretionary upon the arbitrator. As this matter was settled by agreement, both parties shall be responsible for sharing the cost of the filing fee. In accordance with section 72 of the Act, I order that the tenants may deduct \$50.00 from a single rent payment due to the landlord.

Conclusion

The tenant's application is settled in the above terms.

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 01, 2020

Residential Tenancy Branch