



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCT, MNRT, OLC, RP, PSF, LRE, FFT

Introduction

This hearing convened as a result of a Tenant's Application for Dispute Resolution, filed March 23, 2020, in which the Tenant sought the following relief:

- an Order for monetary compensation from the Landlord in the amount of \$1,901.69, including recovery of the cost of emergency repairs;
- an Order that the Landlord:
 - comply with the *Residential Tenancy Act* (hereinafter referred to as the "Act"), the *Residential Tenancy Regulation* and/or the residential tenancy agreement;
 - make repairs to the rental unit;
 - provide services or facilities;
 - be restricted from entering the rental unit; and,
- recovery of the filing fee.

The hearing of the Tenant's Application was scheduled for teleconference at 9:30 a.m. on May 19, 2020. The hearing process was explained and the participants were asked if they had any questions. Both parties were provided the opportunity to present their evidence orally and in written and documentary form, and make submissions to me.

Settlement and Conclusion

During the hearing the parties resolved most matters arising in the Tenant's Application by mutual agreement. The terms of their agreement are recorded in this my Decision and Order pursuant to section 63 of the *Act* and Rule 8.4 of the *Residential Tenancy Branch Rules of Procedure*. As the parties resolved matters by agreement, I make no findings of fact or law with respect to their relative claims.

The parties confirmed at the end of the hearing that this agreement was made on a voluntary basis and that the parties understood the nature of this full and final settlement of this matter.

The terms of their settlement follow.

Settlement and Conclusion

During the hearing the parties referred to photo submitted in evidence by the Tenant and titled:

DSC03832_2020_04_21_[LANDLORD'S FIRST NAME]_Garden(3).JPG

(Landlord's name removed for privacy purposes;
hereinafter referred to as the "Garden Photo").

The parties agreed that the Garden Photo accurately depicts the vegetable garden area of the back yard.

1. The Landlord may return the vegetable garden to grass, provided that the Landlord ensures the Tenant's vegetable garden, which she has cultivated since the tenancy began March 1, 2018, and pictured in the left side of the Garden Photo, is retained for her sole benefit and use, and at no additional cost to the Tenant.
2. Should the parties agree that the balance of the vegetable garden area can be used by the Tenant, the Tenant shall pay additional rent to the Landlord, such an amount to be agreed upon by the parties. Should the parties not be able to resolve this matter by agreement, they may seek further direction from the Residential Tenancy Branch.
3. During the Covid-19 pandemic, the Tenant shall not use the shared laundry. As a result of this withdrawal of laundry services, the Tenant shall be permitted to reduce her rent by \$50.00 monthly pursuant to section 65(1)(b) of the *Act*.
4. The landlord shall only enter the rental unit in accordance with section 29 of the *Act* and shall, at all times, ensure the Tenant's right to quiet enjoyment pursuant to section 28 of the *Act* is protected.

5. The Tenant is entitled to recover one half of the filing fee in the amount of \$50.00. Pursuant to section 72 of the *Act*, the Tenant may reduce her next month's rent by \$50.00. This sum is in addition to the \$50.00 reduction provided for in paragraph 3 of this Decision.

The Tenant's claim for monetary compensation from the Landlord is dismissed with leave to reapply. This claim includes, but is not limited to, the Tenant's claim for a retroactive rent reduction for the loss of laundry services and the cost of emergency repairs.

The Tenant's claim for an Order that the Landlord make repairs to the roof and gutters is also dismissed with leave to reapply.

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 19, 2020

Residential Tenancy Branch