



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Kerr Properties 002 Ltd and  
[tenant name suppressed to protect privacy]

## **DECISION**

**Dispute Codes:** MNDC, OLC, FF

### **Introduction**

This hearing dealt with an application by the tenant for a monetary order for compensation for loss under the *Act* pursuant to section 67 of the *Residential Tenancy Act*. The tenant also applied for an order directing the landlord to comply with the *Act* and for the recovery of the filing fee pursuant to sections 62 and 72 respectively.

Both parties attended this hearing and were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. The tenant represented himself. The corporate landlord was represented by their agent. As both parties were in attendance, I confirmed service of documents. The parties confirmed receipt of each other's evidence. I find that the parties were served with evidentiary materials in accordance with sections 88 and 89 of the *Act*.

### **Issues to be Decided**

Is the tenant entitled to compensation and the recovery of the filing fee?

### **Background and Evidence**

The tenancy started in May 2018. The monthly rent is \$1,350.00 payable on the first of the month. The tenant agreed that the rental unit is a three-bedroom townhouse with an unfinished basement. The landlord stated that the complex consists of 40 townhouses, with unfinished basements and that the occupants are instructed to use the basement for storage only. The tenant agreed that he has his bedroom and office set up in the basement. Due to a power outage the pump that serviced the basement stopped working and water entered the basement on September 26 and November 13, 2019.

The reasons for the tenant's application for compensation were discussed at length. During the hearing the parties engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

### **Analysis**

Pursuant to Section 63 of the *Residential Tenancy Act*, the Arbitrator may assist the parties settle their dispute and if the parties settle their dispute during the hearing, the settlement may be recorded in the form of a decision or an order. During this hearing, the parties reached an agreement to settle these matters, on the following conditions:

1. The landlord agreed to pay the tenant \$950.00 as compensation, in full and final satisfaction of all claims against the tenant related to water damage.
2. The tenant agreed to accept \$950.00 in full and final settlement of all claims against the landlord related to water damage.
3. The tenant agreed that he will not hold the landlord liable for any future damage to his belongings that are stored or in use by tenant and located in the basement
4. Both parties stated that they understood and agreed that the above particulars comprise full and final settlement of all aspects of this dispute for both parties.

As this dispute was resolved by mutual agreement and not based on the merits of the case, I decline the tenant's request to recover the filing fee paid for this application.

Pursuant to the above agreement, I allow the tenant to make a one-time deduction of \$950.00 from rent that is due on September 01, 2020.

The tenant and the landlord have reached a settled agreement, as recorded above. This settlement agreement was reached in accordance with section 63 of the *Residential Tenancy Act*. The parties are bound by the terms of this agreement, as well as by the terms of their tenancy agreement and the Act. Should either party violate the terms of this settled agreement, the tenancy agreement or the Act, it is open to the other party to take steps under the Act to seek remedy.

### **Conclusion**

The tenant may make a deduction of \$950.00 from rent on September 01, 2020.

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: August 27, 2020

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Residential Tenancy Branch