



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes RR, FFT, MNDL -S, FFL

Introduction

This hearing was set to deal with a tenant's application for authorization to reduce rent payable for repairs or services or facilities not provided. Both parties appeared or were represented at the hearing.

I explored preliminary matters with the parties, including service of the hearing materials.

The landlord brought to my attention that he had filed an Application for Dispute Resolution but the matter was set for hearing on March 1, 2021.

Both parties indicated a willingness to settle both claims by way of a settlement agreement during this hearing.

I ordered the two applications joined together and I was able to facilitate a settlement agreement that resolves both applications. I have recorded the settlement agreement by way of this decision.

Issue(s) to be Decided

What are the terms of settlement?

Background and Evidence

During the hearing, all parties agreed upon the following terms in full and final satisfaction of the claims made by both parties against the other party:

1. The tenants are authorized to withhold the rent payment for December 2020 in the full amount to recover a rent increase they should not have paid in 2020 and as additional compensation for loss of use and enjoyment of the rental unit during the renovation that took place in 2020.
2. The tenants remain obligated to resume paying their monthly rent of \$2800.00 on January 1, 2021 and every month thereafter until such time the rent legally changes or the tenancy ends.
3. The landlord's claim against the tenant is withdrawn and the hearing set for March 1, 2020 is cancelled.

Analysis

Pursuant to section 63 of the Act, I have the authority to assist parties in reaching a settlement agreement during the hearing and to record the agreement in the form of a decision or order.

I have accepted and recorded the mutual agreement reached by the parties during this hearing and I make the term(s) an Order to be binding upon both parties.

In recognition of the settlement agreement, I authorize the tenants to withhold their rent payment due for December 2020 in the full amount.

The hearing set for March 1, 2020 to deal with the landlord's claim is cancelled and the parties are not to call into that hearing.

Both parties are now precluded from making these same claims against the other party.

Conclusion

The parties reached a full and final settlement agreement with respect to their respective applications that I have recorded by way of this decision.

In recognition of the settlement agreement, the tenants are duly authorized to withhold the rent payment due for December 2020 in the full amount.

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: November 26, 2020

Residential Tenancy Branch