



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes**      **RP, CNC, RR, OLC**

### **Introduction**

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "**Act**") for:

- an order to the landlord to make repairs to the rental unit pursuant to section 32;
- cancellation of the landlord's One Month Notice to End Tenancy for Cause (the "**Notice**") pursuant to section 47;
- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62; and
- an order to allow the tenant to reduce rent for repairs, services or facilities agreed upon but not provided, pursuant to section 65.

Both parties attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses. The tenant was assisted by NS.

### **Settlement**

Pursuant to section 63 of the Act, an 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, engaged in a conversation, 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:

1. The landlord withdraws the Notice. The tenancy shall continue.
2. The landlord will pay the tenant \$500.
3. The landlord will make this payment in cash, and, upon receipt, the tenant will sign a document provided by the landlord acknowledging receipt of the payment.
4. The landlord will install two baseboard heaters in the living room of the rental unit and connect these heaters to the electrical circuit formerly used by the furnace.
5. If the landlord does not install the baseboard heaters by:
  - a. March 31, 2021, the tenant may withhold \$100 from April 2021 rent;

- b. April 30, 2021, the tenant may withhold \$200 from May 2021 rent; and
  - c. May 31, 2021, the tenant may withhold \$300 from June 2021 rent and each ensuing month's rent until the heaters are installed.
- 6. The tenant will provide the landlord and/or his agents all reasonable access to the rental unit to complete the baseboard heater installation, so long as the landlord provides 24 hours' written notice of entry.
  - 7. The landlord may provide such notice in accordance with section 88 of the Act or by text message or email.

These particulars comprise the full and final settlement of all aspects of this dispute. The parties gave verbal affirmation at the hearing that they understood and agreed to the above terms as legal, final, and binding, which settle all aspects of this dispute between them.

### **Conclusion**

As the parties have reached a settlement, I make no factual findings about the merits of this application.

To give effect to the settlement reached between the parties, and as discussed at the hearing, I issue the attached monetary order ordering the landlord to pay the tenant \$500.

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: February 23, 2021

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Residential Tenancy Branch