



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding WESTBANK LIVING  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      RR RP PSF FF

### Introduction

This hearing was convened as a result of the Tenants' Application for Dispute Resolution. A participatory hearing, by teleconference, was held on January 5, 2023. The Tenants applied for multiple remedies, pursuant to the *Residential Tenancy Act* (the "Act").

Both parties attended the hearing and provided affirmed testimony.

### Preliminary and Procedural Matters

The Tenants applied for multiple remedies under the *Act*, some of which were not sufficiently related to one another.

Section 2.3 of the Rules of Procedure states that claims made in an Application must be related to each other and that arbitrators may use their discretion to dismiss unrelated claims with or without leave to reapply.

At the outset of the hearing, the Tenants identified that their priority was to address the monetary compensation issue (past rent reduction), rather than a request for repairs or to provide services or facilities. As such, I determined that the most pressing and related issues before me deal with the Tenants' request for the following ground:

- I want to reduce rent for repairs, services or facilities agreed upon but not provided

I exercised my discretion to dismiss, with leave to reapply, all of the other remaining grounds on the Tenants' application.

### Settlement Agreement

During the hearing, the Tenants agreed to withdraw their application in full in pursuit of the settlement agreement listed below.

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.

Given the agreement reached between the parties during the proceedings, I find that the parties have settled their dispute and the following records this settlement as a decision:

Both parties agree that:

- The Tenants are entitled to a rent reduction equal to \$2,790.00, which is half of the amount noted on their initial application.
  - This amount compensates the Tenants for all issues they have had with the elevator up to and including the date of this hearing.
- The Landlord will do their best to address any issues with the elevator in the future, as they arise, in a timely manner.

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.

### Conclusion

The Tenants are granted a monetary order pursuant to Section 67 in the amount of **\$2,790.00**. This order must be served on the Landlords. If the Landlords fail to comply with this order the Tenants may file the order in the Provincial Court (Small Claims) and be enforced as an order of that Court.

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: January 6, 2023

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Residential Tenancy Branch