



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCT, FFT, MNDCL, FFL

Introduction

This hearing was set to deal with monetary cross applications concerning water bills for the residential property.

The hearing was held over two dates and both parties appeared or were represented on both dates.

An Interim Decision was issued on September 20, 2022 and should be read in conjunction with this decision.

In the days leading up to the reconvened hearing, I was in receipt of communication indicating the parties may have reached a settlement.

When the reconvened hearing commenced, the tenant's representative confirmed she was authorized to enter into a settlement agreement in the absence of the tenants. Both parties confirmed they were willing to continue to explore a mutual agreement in resolution of their respective claims against each other for water bills that have been issued and the liability for future water bills.

The parties turned their minds to settlement and I was able to facilitate a mutual agreement between the parties that I have recorded by way of this decision and the orders contained within.

Issue(s) to be Decided

What are the terms of the mutual agreement?

Background and Evidence

During the hearing, the parties agreed to the following terms in resolution of their dispute concerning the water bills for the residential property:

1. The tenants' ledger shall be credited \$1450.00 to reflect the landlords agreement to pay for water consumed at the property during the years 2018 through 2020.
2. Water bills issued to the landlords by the City in 2021 and later years, until the tenancy ends, shall be apportioned between the parties as follows: 73% shall be the tenants' liability and 27% shall be the landlords' portion to reflect water used for irrigation on the property.
3. Amounts already posted to the tenants' ledger for water bills issued by the City in 2021 and later years shall be adjusted to reflect the tenants' liability of 73% instead of 100%.
4. Time is of the essence and the tenant's ledger account shall be adjusted in a timely manner following receipt of this decision.
5. If the tenants' ledger account is in a credit position after the above adjustments are made, the tenants may decrease their next rent payment by the amount of the credit balance.
6. Going forward, future water bills received by the landlords shall be posted to the tenant's ledger reflecting the tenants' 73% liability. The tenants shall be sent a copy of the water bill and invoice, to put them on notice as to the amount they must pay for water, in a timely manner. The water bill or the invoice is to show the calculation of the tenant's liability. The tenants are to make payment to the landlords' property manager.
7. The above terms replace the terms in the (proposed) settlement agreement dated January 23, 2023.

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 agreement, **I order the landlords to provide their property manager with a copy of this Decision and to instruct the property manager to**

make the adjustments to and administer the tenants' ledger as described in the mutual agreement.

Conclusion

The parties reached a mutual agreement in resolution of their respective claims.

I have made the terms agreed upon by the parties during the hearing to be orders of mine and binding upon both parties.

The landlords are to provide a copy of this Decision to their property manager and the property manager is to make adjustments to the tenant's ledger, as reflected in the mutual agreement.

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 02, 2023

Residential Tenancy Branch