



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes MNRT, MNDCT, RP, PSF, OLC

Introduction

This hearing convened as a result of a Tenant's Application for Dispute Resolution wherein the Tenant sought the following relief:

- an Order for monetary compensation from the Landlord in the amount of \$9,551.72; and
- an Order that the Landlord:
 - make repairs to the rental unit;
 - provide services or facilities as required by law;
 - comply with the *Residential Tenancy Act*, the *Residential Tenancy Regulation*, or the residential tenancy agreement.

Both parties called into the hearing. The hearing process was explained and the participants were asked if they had any questions. Both parties were provided the opportunity to present their evidence orally and in written and documentary form, and make submissions to me.

Preliminary Matter

Hearings before the Residential Tenancy Branch are governed by the *Residential Tenancy Branch Rules of Procedure*. At all times an Arbitrator is guided by Rule 1.1 which provides that Arbitrators must ensure a fair, efficient and consistent process for resolving disputes for landlords and tenants.

Residential Tenancy Branch Rule of Procedure 2.3 provides that claims made in an Application for Dispute Resolution must be related to each other. Arbitrators may use their discretion to dismiss unrelated claims with or without leave to reapply.

Hearings before the Residential Tenancy Branch are scheduled on a priority basis. Time sensitive matters such as a tenant's request for repairs or the validity of a notice to end tenancy are given priority over monetary claims.

It is my determination that the priority claim before me is the Tenant's request for Orders compelling the Landlord to make repairs, provide services or facilities and comply with the legislation. I also find that these claims are not sufficiently related to the Tenant's monetary claim; accordingly I exercise my discretion and dismiss the Tenant's monetary claims with leave to reapply.

Settlement and Conclusion

During the hearing the parties resolved matters related to the Tenant's request for Orders compelling the Landlord to make repairs, provide services or facilities and comply with the legislation by mutual agreement. The parties confirmed that this agreement was made on a voluntary basis and that they understood the nature of this agreement as a full and final settlement of this matter. As the parties resolved matters by agreement, I make no findings of fact or law with respect to their relative claims.

The terms of their agreement is recorded in this my Decision and Order pursuant to section 63 of the *Residential Tenancy Act* and Rule 8.4 of the *Residential Tenancy Branch Rules of Procedure* as follows:

1. Within 30 days of the hearing of this matter the Landlord shall:
 - a. retain the services of a remediation company to address and repair any water damage in the rental unit and to ensure there is no further leaking in the rental unit from the toilet and or chimney or other sources; and,
 - b. retain the services of a building inspector, or fire inspector, to assess and make recommendations with respect to the condition of the back stairs/fire escape with particular focus on the loose carpet, stair case stability, stair railing/banister and light in stair case.

2. Within 7 days of receipt of any written report/recommendations from the remediation company, or building inspector/fire inspector, the Landlord shall provide a copy of the report to the Tenant.
3. Within 60 days of the date of the hearing the Landlord shall ensure the rental building is in compliance with the *B.C. Fire Code*.
4. The Tenant shall provide access to the Landlord, the Landlord's agents, or persons retained by the Landlord to ensure compliance with the above.
5. Either party may seek further direction or orders from the Residential Tenancy Branch.

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: September 18, 2023

Residential Tenancy Branch