



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      RP, RR, MNDCT, FFT

### 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;
- an order to allow the tenant(s) to reduce rent for repairs, services or facilities agreed upon but not provided, pursuant to section 65;
- a monetary order for compensation for damage or loss under the Act, regulation or tenancy agreement pursuant to section 67;
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

All named parties attended the hearing. During the hearing, the parties expressed an interest and were successful in resolving this dispute by mutual agreement.

### Terms of 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.

The parties reached an agreement to settle their dispute under the following final and binding terms:

1. The landlord agrees to compensate the tenant with the equivalent of one month rent in the amount of \$1200.00 as a one-time past rent reduction to compensate the tenant for loss caused by leaks from the unit above. This past rent reduction covers any loss suffered by the tenant for the period of December 2021 to

September 2022. The landlord will e-transfer this amount to the tenant within 7 days of this hearing date.

2. In addition to the above, effective **October 1, 2022**, the tenant is permitted to reduce future monthly rent by **\$100.00** until the repairs to the tenant's bathroom ceiling and walls are satisfactorily completed. The landlord agrees to work with strata in order to have the source of the leak from the unit above and/or common areas repaired in a timely manner. Upon the satisfactory completion of the repairs, the landlord must serve the tenant written notice that the repairs are complete, and that rent is being re-instated to the full amount as per the tenancy agreement.
3. If there is any dispute as to whether or not the above referenced repairs have been satisfactorily completed, it is up to the tenant to make an application to dispute the reinstatement of rent. The tenant is not permitted to make any future rent reductions after being served with written notice by the landlord that the repairs have been completed.

Each party confirmed that this agreement was reached voluntarily and that they understood the terms of the agreement. The parties agreed that the above terms comprise the full and final settlement of all aspects of this dispute.

**This Decision and Settlement Agreement is final and binding on both parties.**

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 02, 2022

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Residential Tenancy Branch