



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MND, MNDC, FF

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for a monetary order to recover the costs of repair to the rental unit, for cleaning and garbage removal, for unauthorized changes to the rental unit and for the filing fee.

Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

This matter was initially heard on August 26, 2011. The tenant did not attend the hearing and the landlord was awarded a monetary order in the amount of \$5,050.00. The tenant applied for a review of the decision on the grounds that she was not notified of the date and time of the hearing. The Dispute Resolution Officer suspended the decision pending a review hearing, which was heard on this date.

Issues to be decided

Has the landlord established a claim for some or all of the above? Is the landlord entitled to the recovery of the filing fee?

Background and Evidence

The tenancy started on August 01, 2009 and ended on November 01, 2010. The alleged damage to the rental unit and the cost of repairs and garbage removal were discussed at length.

During this discussion, the parties engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

Analysis

Pursuant to Section 63 of the *Residential Tenancy Act*, the dispute resolution officer may assist the parties settle their dispute and if the parties settle their dispute during the hearing, the settlement may be recorded in the form of a decision or an order.

During this hearing, the parties reached an agreement to settle these matters, on the following conditions:

1. The tenant agreed to pay the landlord \$2,200.00 in full settlement of all claims against him.
2. The landlord agreed to accept \$2,200.00 in full and final settlement of all claims against the tenant.
3. The tenant agreed to pay this amount by certified cheque or money order on or before 1:00 p.m. on November 01, 2011.
4. The landlord will be granted a monetary order in the amount of \$2,200.00.
5. Both parties agreed that the above particulars comprise **full and final settlement** of all aspects of the dispute for both parties.

Conclusion

Pursuant to the above agreement, I grant the landlord a monetary order under section 67 of the *Residential Tenancy Act* for the amount of **\$2,200.00**. This order may be filed in the Small Claims Court and enforced as an order of that Court. This monetary order replaces the monetary order issued on August 26, 2011 in the amount of \$5,050.00. The decision and monetary order dated August 26, 2011 are of no force or effect.

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: October 05, 2011.

Residential Tenancy Branch