



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, MNDC

Introduction

This application was brought by the tenant seeking return of a security deposit and one month's rent in an application contested by the landlord on the grounds that the accommodation in question fell within the *Hotel Keepers Act* rather than the *Residential Tenancy Act*.

This action refers to an accommodation agreement between the parties that covered a living arrangement between them involving two different living units from December 2009 to August 29, 2011.

As the hearing progressed and the parties demonstrated considerable courtesy to one another and appreciation of the other's position in the matter, I advised them of the opportunity to craft a consent agreement provided under section 63 of the *Act* as follows:

- (1) The director may assist the parties, or offer the parties an opportunity, to settle their dispute.
- (2) If the parties settle their dispute during dispute resolution proceedings, the director may record the settlement in the form of a decision or an order.

The parties chose to proceed on that basis and arrived at the following consent agreement:

1. The tenant agreed to withdraw her application;
2. The parties agreed that this agreement constitutes a final conclusion to the accommodation agreement between them and neither will bring a future action against the other with respect to it;
3. This agreement is binding.

As the parties have resolved the matter by consent, I am relieved of the need to make a determination on whether the accommodating in question constituted a residential tenancy or a hotel guest agreement.

Conclusion

This dispute has been resolved by consent agreement crafted by the parties and they are commended for their reasoned approach in doing so.

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: November 25, 2011.

Residential Tenancy Branch