



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, MNSD, MNDC, FF

Introduction

This hearing dealt with the landlords' application for a Monetary Order for damage to the rental unit; unpaid rent and utilities; damage or loss under the Act, regulations or tenancy agreement; and, authorization to retain the security deposit. Both parties appeared at the hearing and were provided the opportunity to make relevant submissions, in writing and orally pursuant to the Rules of Procedure, and to respond to the submissions of the other party.

Preliminary and Procedural Matters

The landlords had named two respondents in filing their application; however, I was provided evidence pertaining to service of one hearing package upon the female tenant only. As I was not satisfied the male respondent was sufficiently served with notice of this proceeding I amended the application to exclude the male respondent. Accordingly, this decision and the Monetary Order that accompanies it name the female tenant only.

The tenant had submitted that she was not served with the hearing documents in a manner that complies with the Act. In exploring this issue further the tenant expressed that she wished to proceed with the hearing. I determined that the tenant was in receipt of some of the landlords' evidence but not all of the landlords' evidence. The landlord was provided the opportunity to verbal describe the content of the evidence not served upon the tenant.

After a considerable amount of hearing time the parties were able to reach a mutual agreement to resolve this dispute.

Issue(s) to be Decided

What are the terms of the settlement agreement?

Background and Evidence

The parties agreed to the following terms in full and final settlement of this dispute:

1. The landlords shall retain the tenant's security deposit of \$475.00.
2. The landlords shall also be provided a Monetary Order in the amount of \$758.00 to serve upon the tenant.

Analysis

I accept the terms of the mutual agreement comply with the Act and I make the terms binding upon both parties.

In recognition of the mutual agreement, the landlords are authorized to retain the tenant's security deposit. In recognition of the mutual agreement, the landlords are also provided a Monetary Order in the amount of \$758.00 to serve upon the tenant.

The Monetary Order must be served upon the tenant and may be filed in Provincial Court (Small Claims) to enforce as an Order of the court.

Conclusion

The parties reached a settlement agreement to resolve this dispute. The landlords are authorized to retain the security deposit and have been provided a Monetary Order for the balance of \$758.00 to serve upon the tenants.

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: March 01, 2012.

Residential Tenancy Branch