



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, MNDC, FF

Introduction

This hearing dealt with cross applications. The tenant had applied for return of double the security deposit. The landlord had applied for monetary compensation for damage or loss under the Act, regulations or tenancy agreement. 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.

On a procedural note, both parties raised issues with respect to service of hearing documents upon them; however, both parties indicated they wished to proceed with the hearing and consented to inclusion of all of the documentation served upon the Branch. Accordingly, I deemed each party sufficiently served for purposes of the Act and proceeded to hear each application and consider all of the documents supplied to me.

After hearing a considerable amount of evidence both parties indicated they were willing to reach a settlement agreement. By way of this decision and the Monetary Order that accompanies it I have recorded the settlement agreement.

Issue(s) to be Decided

What are the terms of the settlement agreement?

Background and Evidence

In final settlement of each of the applications before me, the parties mutually agreed to the following terms:

1. The landlord shall immediately send a cheque to the tenant in the amount of \$825.00, representing a full refund of the tenant's security deposit, at the address provided by the tenant's advocate during the hearing;

2. Neither party shall make any future claim against the other party with respect to this tenancy.

Analysis

Pursuant to section 63 of the Act, I have the authority to assist parties in reach a settlement agreement during the hearing and to record a settlement agreement in the form of a decision or order. I have accepted the settlement agreement reached by the parties during this hearing and I have recorded it by way of this decision. In recognition of the terms of the settlement agreement I also provide the tenant with a Monetary Order in the amount of \$825.00 to ensure payment is made by the landlord.

Conclusion

The parties reached a settlement agreement to resolve their disputes. The settlement agreement has been recorded by way of this decision and the tenant has been provided a Monetary Order in the amount of \$825.00 to ensure payment is made in accordance with the terms of the settlement agreement.

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: April 24, 2012.

Residential Tenancy Branch