



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION** **and** **RECORD of SETTLEMENT**

### **Dispute Codes**

MNDC, FF

### **Introduction**

This hearing was convened in response to an application by the landlord seeking a Monetary Order for damages under the Residential Tenancy Act (the Act).

Both parties attended the hearing and each participated with their testimony and prior submissions.

It must be noted that there is a Decision and Order respecting these same parties dated September 19, 2012 resulting from a hearing conducted September 10, 2012 (File No. 794308) and that it bears limited relevance on this Decision as follows:

- The tenant was granted a Monetary Order in the amount of \$2040.00, which the parties agree has been partially satisfied by the landlord in the amount of \$1480.00 – with a balance owing to the tenant.
- The tenant has not proceeded to enforcing the Monetary Order.

### **Issue(s) to be determined**

Is the landlord entitled to a Monetary Order in the amount claimed?

### **Background, Evidence and Analysis**

During the course of this hearing, the parties discussed their dispute and turned their minds to compromise. The parties reached agreement, choosing to settle the landlord's application and claim for all time, in full satisfaction of the landlord's claim, and to the parties' mutual satisfaction, on the following conditions confirmed by both parties; and, at their request that I record the parties' settlement as follows.

1. The tenant and landlord agree that the tenant will compensate the landlord in the total of **\$255.00**.

So as to perfect this settlement agreement, I reduce the tenant's Monetary Order entitlement dated September 19, 2012, in the amount of \$2040.00, by the amount the tenant owes the landlord – effectively replacing the tenant's Monetary Order dated September 19, 2012 rendering it null and void, with a new Monetary Order as follows:

***Calculation for new Monetary Order***

Original Monetary Order dated September 19, 2012	\$2040.00
Agreed compensation to landlord	-\$255.00
<b>New Monetary Order to Tenant</b>	<b>\$1785.00</b>

**Conclusion**

I grant the tenant an Order under Section 67 of the Act for the amount of **\$1785.00**. If necessary, this Order may be filed in the Small Claims Court and enforced as an Order of that Court.

**This Decision and Settlement 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: November 15, 2012

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Residential Tenancy Branch