



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDC, MNSD, MND, FF

### Introduction

This hearing was convened in response to applications by the landlord and the tenant.

The landlord's application is seeking orders as follows:

1. For a monetary order for compensation for loss or damage under the Act;
2. For a monetary order for damage to the unit;
3. To keep all or part of the security deposit; and
4. To recover the cost of filing the application.

The tenant's application is seeking orders as follows:

1. Return of double the security deposit and pet deposit;
2. For a monetary order for compensation for loss or damage under the Act; and
3. To recover the cost of filing the application.

Both parties appeared, gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions at the hearing.

### Preliminary issue – January 23, 2013

On October 25, 2012, the tenant filed an application for dispute resolution. On January 15, 2013, the landlord filed a cross-application and that application was joined with today's hearing.

On January 18, 2013, the landlord filed a large amount of evidence in support of her claim. While, the evidence is relevant to the landlord's application, I find that tenant was not given sufficient time to properly review the evidence. As a result, this matter was adjourned to give the tenant a fair opportunity to review the landlord submission.

#### April 16, 2013

The parties confirmed receipt of all evidence submissions and there were no disputes in relation to review of the evidence submissions.

#### Settlement Agreement

During the hearing, the parties agreed to settle these matters, on the following conditions:

- 1) The parties agreed that this is a **full and final settlement** relating to this tenancy;
- 2) The landlord agreed to pay the tenant the amount of \$800.00, which represents double the security deposit (\$350.00) and pet deposit (\$50.00);
- 3) The landlord agreed to pay the above balance at the rate of \$200.00 per month, commencing May 1, 2013, and the like sum will be paid on the first of each month thereafter until paid in full, any missed payments the balance owed becomes immediately due and owing and may be enforced in the Provincial Court;
- 4) The tenant agreed to withdraw the balance of their application; and
- 5) The landlord agreed to withdraw their application.

This settlement agreement was reached in accordance with section 63 of the *Residential Tenancy Act*.

As this matter was settled, I decline to award recovery of their respective filing fees to either party.

#### Conclusion

As a result, of the settlement agreement, I grant the tenant a monetary order in the above amount.

Should the landlord fail to comply with this order, the order may be filed in the small claims division of the Provincial Court and enforced as an order of that court.

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 16, 2013

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Residential Tenancy Branch