



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, MND, MNDC and FF

Introduction

By application of March 5, 2013, the landlord sought a monetary award of \$1,244.53 for damage to the rental unit, utilities, loss of rent and recovery of the filing fee for this proceeding.

The landlord had also sought authorization to retain the security and pet damage deposits in set off against the balance owed. However, those were already disposed of in a previous hearing on February 20, 2012 on the tenants' application and they are no longer available for set off.

Issue(s) to be Decided

This matter requires a decision on whether the landlord is entitled to monetary award for the claims submitted and in what amounts.

Background, Evidence and Analysis

This tenancy began on September 1, 2011 and ended on October 31, 2012. Rent was \$900 per month plus utilities and the landlord held security and pet damage deposits of \$450 and \$200 respectively.

During the previous hearing on February 20, 2013 which was not attended by the landlord, the tenants were awarded return of the security and pet damage deposits in double under section 38(6) of the act plus recovery of their filing fee. After deducting \$429 which the tenants agreed they owed to the landlord, the tenants were granted a Monetary Order for \$921.

Settlement Agreement

Section 63 of the *Act* provides that the director's delegate may offer the parties an opportunity to settle their dispute and to record any such settlement in the form of a decision or order.

In the present matter, the parties arrived at the following settlement agreement:

1. The attending tenant agreed that the Monetary Order issued to the tenants on February 20, 2013 is null and void and that the landlord may retain the security and pet damage deposits in set off against his losses and damages;
2. The landlord agreed to withdraw the claims submitted in the present application;
3. The parties agreed that this constitutes full and final settlement of all matters pertaining to the tenancy.

Conclusion

The claims submitted herein are withdrawn and the Monetary Order of February 20, 2013 is no longer enforceable by agreement of the tenants, in final settlement of the tenancy.

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: May 28, 2013

Residential Tenancy Branch