

Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION ON REQUEST FOR CLARIFICATION

The applicant has requested a clarification of the Residential Tenancy Branch settlement agreement dated September 25, 2013.

Section 78 of Residential Tenancy Act enable the Residential Tenancy Branch to clarify a decision or order.

The applicant requests a clarification of what was to happen with the security deposit of \$525.00 as the parties agreed to end the tenancy on October 31, 2013. The Tenant said in the clarification application that the settlement agreement does not address the security deposit and he is requesting clarification as to how the security deposit will be handled at the end of the tenancy.

The following information was submitted to support the request:

- The application for clarification.
- A copy of the settlement agreement.

The Tenant is correct the security deposit was not discussed during the hearing. When a tenancy ends the Act is very specific on how security deposits are to be handled. Section 23 and 24 and section 35 and 36 discuss condition inspection reports and their impact on the return of security deposits. Section 38 and 39 of the Act indicate how security deposits are to be handled.

As this tenancy is not ending until October 31, 2013 and the security deposit was not part of the settlement agreement it is not appropriate to confirm how the security deposit will be handled at present. The settlement agreement says in point 5 of the agreement that this is full and final settlement of this tenancy. This statement is in error as the security deposit is not included in the settlement agreement. Consequently the security deposit is to be handled as indicated in the Act and regulations when the tenancy ends.



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

I find that the evidence submitted by the Tenant does support the request and I have clarified the settlement agreement. The settlement agreement stand in full effect and the security deposit is to be handled as prescribed by the Act and regulation at the end 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.

September 25, 2013.

Residential Tenancy Branch