



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, MNSD, FF

Introduction

This hearing was scheduled to deal with cross applications. The landlord applied for monetary compensation for damage or loss under the Act, regulations or tenancy agreement; and, authorization to retain all or part of the security deposit and pet deposit. The tenants applied for monetary compensation for return of double the security deposit and pet deposit; and, damages or loss under the Act, regulations or tenancy agreement. Both parties appeared or were represented at the hearing and were provided the opportunity to make relevant submissions and to respond to the submissions of the other party.

Preliminary and Procedural Matters

The landlord stated that he had not received the tenants' Application for Dispute Resolution. The tenants submitted that their hearing documents were sent to the landlord at his service address on two occasions and that they were either refused or unclaimed by the landlord. The tenant stated that, according to the Canada Post tracking information, the registered mail package was in the process of being returned to the tenants. I confirmed the tenants had the landlord's correct service address and indicated that I would require the tenants to send the returned registered mail envelope to me after the teleconference call ended. I indicated to the parties that I would proceed to hear the landlord's Application and adjourn the hearing to deal with the tenant's Application at a later date.

During the hearing time, both parties indicated a willingness to settle all or their disputes during this time. I have recorded the settlement agreement by way of this decision and the Monetary Order that accompanies it. As a result, the tenant's Application has not been adjourned and is considered resolved by way of this decision.

Issue(s) to be Decided

What are the terms of the settlement agreement?

Background and Evidence

During the hearing, the parties mutually agreed to settle any and all of claims against the other party by way of the following:

1. The landlord shall pay to the tenants the sum of \$1,200.00 without further delay.

Analysis

Pursuant to section 63 of the Act, I have the authority to assist parties in reaching a settlement agreement during the hearing and to record a settlement agreement in the form of a decision or order.

I have accepted and recorded the settlement agreement reached by the parties during this hearing and make the term(s) an Order to be binding upon both parties.

Pursuant to the settlement agreement, I have provided the tenants with a Monetary Order in the amount of \$1,200.00 to ensure the agreement is fulfilled.

As the landlord indicated that his current service address shall be no longer be in effect after December 1, 2013 and that the upper tenant of the residential property manages the property on his behalf, I also authorize and order that, if necessary, the tenants may serve the Monetary Order upon the landlord at the address of the residential property.

Conclusion

The parties resolved their disputes by way of a settlement agreement. The tenants have been provided a Monetary Order in the sum of \$1,200.00 to serve and enforce as necessary.

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 05, 2013

Residential Tenancy Branch

