



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MNDC, FF

Introduction

This hearing was scheduled in response to the tenant's Application for Dispute Resolution, in which the tenant requested compensation for damage or loss under the Act and to recover the filing fee from the landlord for the cost of this Application for Dispute Resolution.

The tenant and landlord K.D. were present at the hearing. At the start of the hearing I introduced myself and the participants.

The tenant provided a copy of a Canada Post receipt and tracking number as evidence of service to the female respondent. The Notice of hearing package sent on September 26, 2013 was not claimed; the evidence package sent on November 20, 2013 has yet to be claimed or returned.

Section 90 of the Act provides that registered mail is deemed served on the 5th day after mailing. Therefore, I find that the female landlord has been served with Notice of the hearing and the evidence package; however she did not attend.

Mutually Settled Agreement

The tenant and the landlord present at this hearing entered into a mutually settled agreement, in the absence of the female landlord, who I find was served with notice of the hearing. Therefore, the 2 parties present at the hearing have agreed:

- The tenant is entitled to compensation in the sum of \$1,800.00;
- That the landlord will pay the tenant \$300.00 per month, commencing in December 2013, until the total amount of \$1,800.00 has been paid to the tenant; and
- That the tenant is entitled to a monetary Order in the sum of \$1,800.00 that may be enforced at any time the tenant believes the landlord is not meeting the agreed payment schedule.

Therefore, pursuant to section 63(2) of the Act, in support of the mutually settled agreement I find that the tenant is entitled to a monetary Order in the sum of \$1,800.00.

In the event that the landlord does not comply with this Order, it may be served on the landlord, filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

Conclusion

The parties reached a mutually settled agreement.

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: December 05, 2013

Residential Tenancy Branch

