



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, MNDC, FF

Introduction

This hearing was scheduled to deal with a landlord's application for loss of rent. Both parties appeared or were represented at the hearing and were provided the opportunity to make relevant submissions, in writing and orally pursuant to the Rules of Procedure, and to respond to the submissions of the other party.

I determined that the tenants had not served their written submission and documentary evidence upon the landlord and I excluded it from further consideration. The tenants were informed that they would be permitted the opportunity to provide their position orally during the hearing.

The landlord requested the application be amended to authorize retention of the security deposit in partial satisfaction of the landlord's claim. I permitted the amendment as I found the request for amendment non-prejudicial to the tenants.

After both parties had an opportunity to be heard and certain sections of the Act were discussed with the parties, the parties reached a settlement agreement that I have recorded by way of this decision and the Monetary Order that accompanies it.

Issue(s) to be Decided

What are the terms of settlement?

Background and Evidence

During the hearing, the parties reached a settlement agreement in full and final satisfaction of their dispute. The terms of settlement are as follows:

1. The tenants agree to compensate the landlord and the landlord agrees to accept \$350.00 for loss of rent.

2. In satisfaction of the above term, the landlord will deduct \$350.00 from the \$700.00 security deposit the landlord is holding and will refund the balance of \$350.00 to the tenants without 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 terms an Order to be binding upon both parties.

In recognition of the settlement agreement, I authorize the landlord to deduct \$350.00 from the tenants' security deposit and I have provided the tenants with a Monetary Order in the amount of \$350.00.

Conclusion

The parties resolved their dispute by way of a settlement agreement. The landlord is authorized to deduct \$350.00 from the tenants' security deposit and must refund the balance of the security deposit in the amount of \$350.00 without delay. The tenants have been provided a Monetary Order in the sum of \$350.00 to ensure compliance with the settlement 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: January 15, 2014

Residential Tenancy Branch

