



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** *MNDC, RR, FF*

### **Introduction**

This hearing dealt with an application by the tenant pursuant to the *Residential Tenancy Act* for a monetary order for compensation and for the filing fee. Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

During the hearing the tenant informed me that he had had a discussion with the landlord prior to the hearing and that the parties had resolved a major portion of their dispute.

Accordingly this hearing only dealt with the tenant's claim for compensation pursuant to a notice to end tenancy for landlord's use, for the return of the security deposit, for the cost of oil and for the filing fee.

### **Issues to be decided**

Is the tenant entitled to a monetary order?

### **Background and Evidence**

The tenancy started in February 2005. The monthly rent was \$750.00 due on the first of each month. Prior to moving in the tenant paid a security deposit of \$375.00. On December 30, 2013, the landlord served the tenant with a notice to end tenancy for landlord's use of property. The effective date of the notice was February 28, 2014. The tenant did not dispute the notice and intended to move out. The tenant did not pay rent on January 01, 2014 and moved out on January 04, 2014.

During the hearing the parties engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

## **Analysis**

Pursuant to Section 63 of the *Residential Tenancy Act*, the Arbitrator may assist the parties settle their dispute and if the parties settle their dispute during the hearing, the settlement may be recorded in the form of a decision or an order.

During this hearing, the parties reached an agreement to settle these matters, on the following conditions:

1. The landlord agreed to pay to the tenant a total of \$1,862.00 in full and final settlement of all claims against the tenant.
2. The tenant agreed to withdraw his claim of compensation in the amount of \$5,000.00 and accept \$1,862.00 in full and final settlement of all claims against the landlord.
3. A monetary order in this amount will be issued to the tenant. This compensation includes the compensation pursuant to a notice to end tenancy for landlord's use of property and filing fee (\$425.00), cost of oil (\$1,062.00) and the return of the security deposit (\$375).
4. Both parties stated that they understood and agreed that the above particulars comprise **full and final settlement** of all aspects of the dispute for both parties.

I grant the tenant a monetary order under section 67 of the *Residential Tenancy Act*, for \$1,862.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

## **Conclusion**

Pursuant to the above agreement, I grant the tenant a monetary order for **\$1,862.00**.

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: February 19, 2014

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Residential Tenancy Branch

