



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, MND, MNR, MNC, FF

Introduction

On December 3, 2013, the landlords' application was dismissed with leave to reapply and the tenant's application was dismissed without leave to reapply.

On January 8, 2014, the tenant made an application for review consideration, which was granted on the basis that they were unable to attend at the original hearing because of circumstances that could not be anticipated and were beyond their control. The arbitrator ordered the parties to participate in a new hearing, and the original decision was suspended. The arbitrator at the new hearing may confirm, vary or set aside the original decision.

This new hearing dealt with applications by the landlords and the tenant.

The landlords' application is seeking orders as follows:

1. For a monetary order for unpaid rent;
2. For a monetary order or damages to the unit;
3. For a monetary order for money owed or compensation under the Act;
4. To keep all or part of the security deposit; and
5. To recover the cost of filing the application.

The tenant's application is seeking orders as follows:

1. Return of double the security deposit;
2. For a monetary order for money owed or compensation under the Act; and
3. To recover the cost of filing the application.

Both parties appeared, during the hearing the parties agreed to settle these matters, on the following conditions:

- 1) The parties agreed that the balance of the tenant's security deposit held by the landlord is \$350.00;
- 2) The tenant agreed that the landlord may retain from that amount the sum of \$268.00;
- 3) The parties agreed the landlord will immediately return to the tenant the balance due of **\$82.00**; and
- 4) The parties agreed this is a **full and final settlement agreement** relating to this tenancy.

This settlement agreement was reached in accordance with section 63 of the *Residential Tenancy Act*.

As both applications had merit, I decline to allow either party to recover the cost of the filing fee.

Conclusion

As a result of the above settlement agreement, I order that the original decision made on December 3, 2013, is set aside and confirm 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: March 17, 2014

Residential Tenancy Branch

