



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MNDC, MND, MNSD, FF

Introduction

This was a cross-application hearing.

This hearing was scheduled in response to the tenant's Application for Dispute Resolution, in which the tenants have requested return of the balance of the security deposit, 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 landlord applied requesting compensation for damage or loss under the Act, damage to the rental unit, to retain the security deposit and to recover the filing fee cost from the tenants.

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants. The hearing process was explained, evidence was reviewed and the parties were provided with an opportunity to ask questions about the hearing process. They were provided with the opportunity to submit documentary evidence prior to this hearing, all of which has been reviewed, to present affirmed oral testimony evidence and to make submissions to me.

Preliminary Matters

The tenants served the landlord with digital evidence on May 30, 2014; the eighty-seven page package, plus digital evidence was placed in the landlord's mail slot. The landlord was unable to view the digital evidence; therefore it was set aside.

The tenants confirmed receipt of the landlord's amended application, increasing the landlord's claim.

Mutually Settled Agreement

The tenants had submitted a claim in the sum of \$1,209.93. The landlord submitted a claim in the sum of \$1,575.66.

After ninety minutes of hearing time the parties reached a mutually settled agreement as follows:

- The landlord will return the balance of the deposits paid, in the sum of \$150.00;
- The balance of each application is settled by withdrawal of those claims; and
- That this mutual agreement settles all matters related to the tenancy and no further claims will be made by either party.

Section 63 of the Act provides:

Opportunity to settle dispute

63 (1) *The director may assist the parties, or offer the parties an opportunity, to settle their dispute.*

(2) *If the parties settle their dispute during dispute resolution proceedings, the director may record the settlement in the form of a decision or an order.*

Therefore, pursuant to section 63(2) of the Act, in support of the mutually settled agreement I find and Order that the tenants are entitled to return of the balance of the deposits in the sum of \$150.00. A monetary Order has been issued to the tenants, in support of the agreement. The Order will not be enforceable once payment has been made by the landlord, as agreed.

I further Order; pursuant to section 63(2) of the Act that all matters related to this tenancy have been settled and that no further claims by either party will be considered.

Conclusion

The parties reached a mutually settle agreement as set out above. A monetary Order in the sum of \$150.00 has been issued to the tenants, in support of the mutual agreement.

All matters related to this tenancy are settled and no further claims will be made.

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: June 09, 2014

Residential Tenancy Branch