



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

MNSD, MNDC, OPC, OPC, OPR, MND

The tenant applied for dispute resolution requesting compensation for damage or loss under the Act and return of double the security deposit.

The landlord applied for dispute resolution requesting an Order of possession, compensation for damage to the unit and unpaid rent, compensation for damage or loss under the Act and to retain the security deposit.

Mutually Settled Agreement

The landlord had not received the tenant's hearing package and application sent via registered mail, to the service address given on the tenancy agreement. Before adjourning to allow service the parties were given the opportunity to reach a mutually settled agreement. Each party expressed a desire to settle the matters.

The parties then mutually agreed:

- The landlord will return the \$700.00 security deposit to the tenant by issuing a cheque and mailing it to the tenant's address that was provided during the hearing; and
- That all matters related to this tenancy are settled and that neither party is entitled to make any further claims against the other in relation to this tenancy.

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; based on the mutually settled agreement of the parties, I find and Order the landlord to return, forthwith, the \$700.00 security deposit to the tenant.

In support of the mutually settled agreement I have issued the tenant a monetary Order in the sum of \$700.00. Should the security deposit not be returned that Order may be served on the landlord and enforced by the Court. Once payment is made by the landlord the monetary Order will no longer be enforceable.

Pursuant to section 63(2) of the Act I Order that all matters related to this tenancy have been settled and that any further claim made by either party shall not proceed.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: July 21, 2014

Residential Tenancy Branch

