



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FF, O

Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution (the “Application”) made by the Tenant for the return of the security deposit, to recover the filing fee for the cost of the Application, and for ‘Other’ issues.

The Tenant and Landlord appeared for the hearing and provided affirmed testimony during the hearing.

At the start of the hearing, I determined that while the Tenant had served the Landlord with the Notice of Hearing documents he had not served the Landlord a copy of his Application; therefore the Landlord was not aware of what the Tenant’s Application was about and sought for the Application to be dismissed.

As the Tenant failed to serve his Application to the Landlord to put her on notice for his monetary claim pursuant to Section 59(3) of the Act, I indicated to the parties that I would be dismissing the Tenant’s Application with leave to re-apply.

However, I offered the parties an opportunity to settle the matter in this hearing. As a result, the parties engaged in a conversation, and turned their minds to compromise, thus achieving a resolution of their dispute in full satisfaction of the issues associated with this tenancy.

Settlement Agreement

Pursuant to Section 63 of the Act, the arbitrator may assist the parties to settle their dispute and if the parties settle their dispute during the dispute resolution proceedings, the settlement may be recorded in the form of a decision or an order.

Both parties **agreed** to settle the Tenant’s Application in full as well as all of the issues associated with this tenancy as follows:

- The Tenant agreed that the Landlord will return \$500.00 of the Tenant's deposits in full satisfaction of the issues associated with this tenancy.
- The Landlord has already issued the Tenant with a cheque in the amount of \$324.67 which the Tenant has not cashed but is now at liberty to do so in partial satisfaction of the agreed amount of \$500.00.
- The Landlord will return the remaining agreed settlement amount of \$175.33 to the Tenant forthwith after receipt of this decision.
- The Tenant is issued with a Monetary Order in the amount of **\$500.00** which is enforceable in the Small Claims court if the Landlord fails to make the payments in accordance with this agreement.

This agreement and order is fully binding on the parties and is in **full and final satisfaction of all the issues** associated with the tenancy.

The parties are cautioned to retain documentary evidence in relation to the steps taken to meet the above terms and conditions.

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: July 15, 2014

Residential Tenancy Branch

