



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD FF

Introduction

This hearing dealt with an Application for Dispute Resolution filed by the Tenants on October 10, 2014, to obtain a Monetary Order for the return of double their security and pet deposit and to recover the cost of the filing fee from the Landlord for this application.

The hearing was conducted via teleconference and was attended by the Landlord and the Tenants. Each person gave affirmed testimony and confirmed receipt of evidence served by the other. At the outset of the hearing I explained how the hearing would proceed and the expectations for conduct during the hearing, in accordance with the Rules of Procedure. Each party was provided an opportunity to ask questions about the process however, each declined and acknowledged that they understood how the conference would proceed.

During the hearing each party was given the opportunity to provide their evidence orally, respond to each other's testimony, and to provide closing remarks. A summary of the testimony is provided below and includes only that which is relevant to the matters before me.

Issue(s) to be Decided

Have the parties agreed to settle these matters?

Background and Evidence

It was undisputed that the parties executed a written tenancy agreement for a fixed term tenancy that commenced on April 1, 2009 and switched to a month to month after one year. The Tenants were required to pay rent of \$1,116.00 which included natural gas fees. On March 18, 2009 the Tenants paid \$500.00 as the security deposit and on April 2, 2009 they paid \$300.00 as the pet deposit. The tenancy ended September 15, 2014 by mutual agreement, and the Tenants provided the Landlord with their forwarding address on October 3, 2014.

During the course of this hearing the parties agreed to settle these matters.

Analysis

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.

During the hearing, the parties discussed the issues between them, engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute on the following terms:

- 1) The Tenants agreed to withdraw their application for dispute resolution;
- 2) The Landlord agreed to pay the Tenants \$250.00 forthwith (which is in addition to the \$105.50 the Landlord sent the Tenants on October 6, 2014); and
- 3) The parties agreed that in consideration of this mutual settlement, no further claims will be made by either party whatsoever, arising from this tenancy.

The parties agreed to settle these matters and the Tenants withdrew their application; therefore, I declined to award recovery of the filing fee.

Conclusion

The parties agreed to settle these matters, pursuant to section 63 of the *Act*.

In support of the settlement agreement, the Tenants have been issued a Monetary Order for **\$250.00**. In the event the Landlord does not pay the \$250.00 in accordance with the above listed agreement, the Tenants may serve the Landlord the Monetary Order. If payment is made in accordance with the settlement agreement the Monetary Order will become void and of no force or effect.

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: December 09, 2014

Residential Tenancy Branch

