



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNR, MNSD, MNDC, O, FF

Introduction

This hearing dealt with cross applications. The landlord applied for a Monetary Order, as amended, for damage to the rental unit; damage or loss under the Act, regulations or tenancy agreement; and, authorization to retain the security deposit. The tenant applied for a Monetary Order, as amended, for recovery of the cost of emergency repairs; overpaid rent; other damages or losses; and, return of part of the security deposit. Both parties appeared or were represented at the hearing and were provided the opportunity to make relevant submissions, in writing and orally pursuant to the Rules of Procedure, and to respond to the submissions of the other party.

Preliminary and Procedural matters

Both applications were amended, by consent, to identify the landlord and tenant as named in the tenancy agreement and the agents for each party as identified on the Applications filed.

Due to time constraints, the originally scheduled hearing was adjourned and Notices of Adjourned Hearing were sent to both parties. Both parties appeared or were represented at the adjourned hearing.

After both parties were provided an opportunity to present their case and respond to the case against them by way of a considerable amount of testimony and documentary evidence the parties mutually agreed to resolve their disputes by way of a settlement agreement. By way of this decision I have recorded the terms of settlementt.

Issue(s) to be Decided

What are the terms of the settlement agreement?

Background and Evidence

In full and final satisfaction of any and all disputes related to this tenancy, the parties mutually agreed to the following settlement terms during the hearing:

1. The landlord shall retain the tenant's security deposit.

Analysis

Pursuant to section 63 of the Act, I have the authority to assist parties in reaching a settlement agreement during the hearing and to record a settlement agreement in the form of a decision or order. I have accepted and recorded the settlement agreement reached by the parties during this hearing and make the terms an Order to be binding upon both parties.

By way of this decision, in recognition to of the mutual agreement, I authorize the landlord the tenant's security deposit.

Both parties are now precluded from filing another Application or taking further action against the other.

Conclusion

The parties resolved their respective disputes by way of a settlement agreement that I have recorded by way of this decision. The landlord has been authorized to retain the tenant's security deposit by way of this decision.

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 3, 2015, 2015

Residential Tenancy Branch

