



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 the tenant's application pursuant to the *Residential Tenancy Act* (the Act) for:

- authorization to obtain a return of all or a portion of her security deposit and pet damage deposit (the deposits) pursuant to section 38; and
- authorization to recover her filing fee for this application from the landlord pursuant to section 72.

Both the landlord and tenant appeared. Neither party raised any issue with service of documents.

The landlord's evidence raised an issue of a potential counter claim by the landlord. Specifically, the landlord may have been entitled to compensation for the tenant's failure to provide adequate notice.

The parties were able to agree to a settlement that would resolve all outstanding matters between the parties for this tenancy, which concluded May 2014.

Analysis

Pursuant to section 63 of the Act, an 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.

During this hearing, the parties reached an agreement to settle their disputes under the following final and binding terms:

1. The tenant agreed to withdraw her application.
2. The landlord agreed to return \$500.00 of the deposits to the tenant.
3. The tenant agreed the landlord would retain \$500.00 from the deposits.

Both parties stated that they understood the terms of this settlement agreement. The tenant stated that she understood by agreeing to this settlement she was waiving her claim to compensation pursuant to subsection 38(6). The parties agreed that these particulars comprise the full and final settlement of all aspects of their disputes for both parties.

I thank the parties for their work in reaching this mutually agreed to resolution.

Conclusion

The tenant's application is withdrawn.

The monetary order is to be used if the landlord does not pay \$500.00 to the tenant in accordance with their agreement. The tenant is provided with this order in the above terms and the tenant should serve the landlord with this order so that it may enforce it in the event that the landlord does not pay the amount as set out in their agreement. Should the landlord fail to comply with this order, this order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under subsection 9.1(1) of the Act.

Dated: April 28, 2015

Residential Tenancy Branch

