



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNDC, FF

Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution (the “Application”) made by the Landlords for a Monetary Order for damages to the rental unit, for damage or loss under the *Residential Tenancy Act* (the “Act”), and to recover the filing fee from the Tenants.

The Landlords and the Tenants appeared for the hearing along with an advocate for the Tenants. Both parties provided affirmed testimony during the hearing, although the male Landlord had to exit the call mid-way through the hearing due to work obligations. The Tenants confirmed receipt of the Landlord’s Application. However, the Tenants denied receipt of the Landlord’s second set of evidence which contained 36 pages of documentary evidence as well as some photographs and a CD.

The female Landlord explained that she had served this to the Tenants late and it would not have gotten to them before this hearing. The Landlords were offered the opportunity to adjourn the hearing so that the Tenants could receive the evidence, consider it, and respond to it. However, the Landlords wanted to proceed with the hearing without this additional evidence being used and considered during the hearing.

The hearing continued and both parties provided extensive submissions and evidence in relation to the Landlords’ Application. Before the hearing was concluded, I offered the parties an opportunity to settle the Application through a settlement agreement. As a result, the parties discussed the issues between them, engaged in a conversation, turned their minds to compromise and achieved a resolution of the dispute.

Analysis & Conclusion

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.

The Tenants agreed to pay the Landlords **\$894.00** in full satisfaction of the Application after receipt of this decision. The Landlords are issued with a Monetary Order in the amount of \$894.00 which is enforceable in the Provincial Court (Small Claims) as an order of that court **if** the Tenants fail to make voluntary payment in accordance with this agreement. Copies of this order are attached to the Landlords' copy of this decision.

The parties confirmed their agreement to resolution in this manner during and at the conclusion of the hearing. This file is now closed.

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: June 11, 2015

Residential Tenancy Branch

