



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MNDC, OLC, FF

Introduction

This hearing dealt with an application by the tenant, pursuant to section 38 of the *Residential Tenancy Act*, for a monetary order for the amount owed by landlord for failure to return the security deposit in a timely manner and for the recovery of the filing fee. Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

The landlord acknowledged receipt of evidence submitted by the landlord. Both parties gave affirmed testimony.

Issues to be Decided

Did the landlord return the deposit in a timely manner? Is the tenant entitled to the doubling provision of s. 38? Is the tenant entitled to the recovery of the filing fee?

Background and Evidence

The tenancy started on July 01, 2013. Prior to moving in the tenant paid a security deposit of \$600.00, a transmitter deposit of \$100.00 and a fob deposit of \$150.00.

The tenancy ended on January 01, 2015. The landlord agreed that he received the tenant's forwarding address on December 23, 2014 and returned the deposits by a cheque dated January 15, 2015. The tenant filed a copy of the envelope that contained the cheque. The envelope is date stamped January 20, 2015.

During the hearing the parties engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

Analysis

Pursuant to Section 63 of the *Residential Tenancy Act*, the Arbitrator may assist the parties settle their dispute and if the parties settle their dispute during the hearing, the settlement may be recorded in the form of a decision or an order.

During this hearing, the parties reached an agreement to settle these matters, on the following conditions:

1. The tenant agreed to accept \$450.00 in full and final settlement of all claims against the landlord. A monetary order will be issued to the tenant for this amount.
2. The landlord agreed to pay the tenant \$450.00 in full and final settlement of all claims against the tenant.
3. Both parties stated that they understood and agreed to the above terms of this agreement which comprise full and final settlement of all aspects of this dispute for both parties.

Conclusion

Pursuant to the above agreement, I grant the tenant a monetary order under section 67 of the *Residential Tenancy Act* for the amount of **\$450.00**. This order may be filed in the Small Claims 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 Section 9.1(1) of the *Residential Tenancy Act*.

Dated: August 21, 2015

Residential Tenancy Branch

