



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding VRAN ENTERPRISES INC.  
and [tenant name suppressed to protect privacy]

## **CLARIFICATION DECISION**

Dispute Codes      OPL, OPC, MNR, MNDC, FF; MT, CNC, CN, MNDC, OLC, FF,O

### Introduction

The landlord has requested a clarification of my decision dated 20 August 2015, which recorded the settlement of the parties.

The decision read in part:

*This hearing was convened in relation to the landlord's application pursuant to the Residential Tenancy Act (the Act) for:*

- *an order of possession for cause and landlord's use pursuant to section 55;*
- *a monetary order for unpaid rent, and for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement pursuant to section 67; and*
- *authorization to recover his filing fee for this application from the tenant pursuant to section 72.*

*This hearing was also convened in relation to the tenant's application pursuant to the Residential Tenancy Act (the Act) for:*

- *more time to make an application to cancel the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 66;*
- *cancellation of the landlord's 1 Month Notice pursuant to section 47;*
- *cancellation of the landlord's 2 Month Notice to End Tenancy for Landlord's Use of Property (the 2 Month Notice) pursuant to section 49;*
- *a monetary order for compensation for damage or loss under the Act, regulation or tenancy agreement pursuant to section 67;*

- *an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62;*
- *authorization to recover his filing fee for this application from the landlord pursuant to section 72; and*
- *an “other” remedy.*

...

*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 his application.*
- 2. The landlord agreed to withdraw his application.*
- 3. The landlord agreed to withdraw the 1 Month Notice.*
- 4. The landlord agreed to withdraw the 2 Month Notice.*
- 5. The tenant agreed to provide possession of the rental unit to the landlord on or before one o'clock in the afternoon on 30 September 2015.*
- 6. The landlord agreed to pay to the tenant \$2,500.00.*
- 7. The landlord agreed that rent for September 2015 would not be payable.*

The landlord sets out his request for clarification:

*I want to be clarified if the damage deposit of tenant of \$200.00 is included in the \$2,500.*

[as written]

### Analysis

Paragraph 78(1)(b) of the *Residential Tenancy Act* (the Act) allows me to issue a clarification to a decision.

*Residential Tenancy Policy Guideline*, “25. Requests for Clarification or Correction of Orders and Decisions” elaborates on clarification:

The Legislation allows the RTB to clarify a Director’s order or decision if a party is unclear about or does not understand the decision, order or reasons. Clarification allows the RTB to explain, but not to change, the decision. Clarification involves

making the order or decision more clear or plain to the understanding, and the removal of any complexity, ambiguity, or obscurity (Oxford English Dictionary, ed. Vol. 1, 1993).

As can be seen from the decision excerpted above, the neither party raised the issue of the security deposit in his application and the settlement is silent on the issue of the security deposit. Moreover, as the tenancy was continuing until 30 September 2015, it would have been premature to deal with the return of the security deposit. The issue of the security deposit was simply not before me. As the decision is clear on its face, I decline to issue a clarification.

### Conclusion

For the reasons set out above, I decline to issue a clarification to the decision dated 20 August 2015.

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: October 16, 2015

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Residential Tenancy Branch

