



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FF

Introduction

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

- authorization to obtain a return of all or a portion of their security deposit pursuant to section 38;
- authorization to recover their filing fee for this application from the landlord pursuant to section 72.

All parties attended the hearing. No party raised any issue with service.

The landlord's evidence indicated that he wished to advance a claim for damage to the rental unit; however, the landlord had not yet filed any such claim. I explained the option of settlement to the parties as a way of dealing with all outstanding issues. The parties elected to enter into a settlement discussion resulting in this settlement agreement.

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 dispute under the following final and binding terms:

1. The tenants agreed to withdraw their application.

2. The landlord agreed to return \$400.00 of the tenants' security deposit to the tenants.
3. The tenants agreed that the landlord would retain \$225.00 of the tenants' security deposit.
4. The tenants agreed to waive their right to compensation pursuant to subsection 38(6) of the Act.
5. The parties agreed that no further applications would be filed by either party in respect of this tenancy, which has ended.

Each party stated that he or she understood the terms of this agreement. The parties agreed that these particulars comprise the full and final settlement of all aspects of their disputes for both parties.

Conclusion

The tenants' application is withdrawn.

The tenants are provided with a monetary order that is to be used if the landlord does not pay \$400.00 to the tenants in accordance with their agreement. Should the landlord fails 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: October 22, 2015

Residential Tenancy Branch

