



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNSD, FF (Landlord's Application)
 MNSD, FF (Tenant's Application)

Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution (the "Application") made by both the Tenant and the Landlord. The Landlord applied for a Monetary Order for damage to the rental unit and to keep the Tenant's security deposit. The Tenant applied for the return of the security deposit. Both parties also applied to recover the filing fee from each other.

Both parties appeared for the hearing and provided affirmed testimony. Both parties confirmed receipt of each other's Application and documentary evidence pursuant to the *Residential Tenancy Act* (the "Act") and the Rules of Procedure. The hearing process was explained to the parties and they had no questions about the proceedings. At the start of the hearing, I offered both parties an opportunity to settle this matter by way of mutual agreement. The parties discussed the issues in this tenancy at length with each other and decided that a mutual agreement was the best course of resolution for this 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. Both parties **agreed** to settle their respective disputes **in full** satisfaction as follows:

- The Landlord will return the Tenant's security deposit, plus the accumulated interest payable in the amount of \$21.13 (calculated using the deposit interest calculator on the Residential Tenancy Branch website). Therefore, the total amount to be returned to the Tenant is **\$1,996.13**.
- The parties agreed that this amount is payable to the Tenant forthwith by the end of December 2015.

- The parties agreed that as this matter had been resolved by way of mutual agreement, no party would be awarded their filing fee.
- This is in full and final satisfaction of both Applications.
- The Tenant is issued with a Monetary Order for this amount which is enforceable in the Small Claims court **if** the Landlord fails to make payment in accordance with this agreement. Copies of this order are provided with the Tenant's copy of this decision.

This agreement and order is fully binding on the parties and is in **full and final satisfaction of all the issues** associated with the tenancy. No further Applications are permitted. The Landlord is cautioned to retain evidence of the payment made to meet the above terms and conditions of this agreement. The parties confirmed their voluntary agreement to resolution in this matter both 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: December 10, 2015

Residential Tenancy Branch

