



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, MNDC, FF (Landlord's Application)
 MNDS, MNDC, FF (Tenants' Application)

Introduction

This hearing was convened by way of a face to face hearing in response to an Application for Dispute Resolution (the "Application") made by both the Landlord and the Tenants.

The Landlord applied for a Monetary Order for unpaid rent and for money owed or compensation for damage or loss under the *Residential Tenancy Act* (the "Act"). The Tenants applied for the return of double their security deposit and for money owed or compensation for damage or loss under the Act. Both parties also applied for the recovery of the filing fee from each other.

The Landlord appeared with his son who assisted and acted for the Landlord as his agent. The three Tenants appeared for the hearing with a legal advocate. During the hearing the Tenants also called a witness. All participants for the hearing provided affirmed testimony apart from the Tenant's legal advocate who provided submissions only.

The hearing process was explained to the parties and they had no questions about the proceedings. Both parties were given a full opportunity to present their evidence, make submissions to me, and cross examine the other party and the witness on the evidence provided. After the parties had finished providing their evidence during the two hour hearing, I offered the parties an opportunity to settle the matter by way of mutual agreement.

The parties took some time to consider this voluntary option and the Landlord made an offer to settle both parties' Application. The Tenants made a counter offer which was not accepted. However, the parties took some additional time and engaged in a conversation, turned their minds to compromise, and decided that resolution was best by way of mutual settlement.

Settlement Agreement

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 Applications **in full** as follows:

- The parties agreed that the Landlord will return to the Tenants \$379.40 to settle their Application in full satisfaction.
- The parties agreed that the Landlord will keep the remaining amount of the security deposit, \$420.60, in full satisfaction of his Application.
- The parties agreed that this amount will be paid back to the Tenants by the end of December 2015 in the form of a cheque to be sent to the Tenants' address on the Tenants' Application. However, the Tenants are issued with a Monetary Order for the amount of \$379.40 which is a precautionary measure to be used by the Tenants if the Landlord fails to make payment in accordance with this agreement.
- If the Landlord fails to make payment the Tenants may serve and enforce the order through the Small Claims Court as an order of that court.
- The Landlord is cautioned to ensure that documentation is retained in relation to the payment made.

This agreement is fully binding on the parties and is in full and final satisfaction of **both** Applications. The parties confirmed voluntary resolution in this manner both during and at the end of the hearing. Both files are 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 14, 2015

Residential Tenancy Branch

