



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding REMAX KELOWNA PROPERTY MANAGEMENT & KEVIN CHEALE
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MND, MNDC, MNSD, FF

Introduction

This matter dealt with an application by the Landlord for a Monetary Order for compensation for damage to the unit, site or property, for compensation for loss or damage under the Act, regulations or tenancy agreement, to retain the Tenants' security deposit and to recover the filing fee for this proceeding.

The Landlord's Agent said he served the Tenants with the Application and Notice of Hearing (the "hearing package") by registered mail on September 20, 2015. Based on the evidence of the Landlord's Agent, I find that the Tenants were served with the Landlord's hearing package as required by s. 89 of the Act and the hearing proceeded with both parties in attendance.

Issues(s) to be Decided

1. Are there damages to the unit, site or property and if so how much?
2. Is the Landlord entitled to compensation for the damage and if so how much?
3. Are there other losses or damages and is the Landlord entitled to compensation?
4. Is the Landlord entitled to keep the Tenants' security deposit?

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

1. The Tenants agreed to pay the Landlord \$947.50 as full settlement of the Landlords' application.
2. The parties agreed the \$947.50 payment would be made by the Landlord retaining the Tenants' security deposit of \$650.00 and the Tenants would pay the balance of \$297.50 directly to the Landlord.
3. To support this settlement agreement the Landlord will receive a monetary order for \$297.50 the balance of the agreed amount to be paid to the Landlord.

Under section 63 (1) the director can assist parties or offer parties an opportunity to settle their dispute. Pursuant to section 63 of the Act the Landlord and the Tenants agreed to the above arrangement.

As no further action is required on this file, the file is closed.

Conclusion

A Monetary Order in the amount of \$297.50 has been issued to the Landlord. A copy of the Order must be served on the Tenants: the Monetary Order may be enforced in the Provincial (Small Claims) Court of British Columbia.

The parties agree the Landlord will retain the Tenants' security deposit of \$650.00.

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: March 22, 2016

Residential Tenancy Branch