



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNR, MNSD, FF (Landlord's Application)
 MNSD, MNDC, 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 the Landlord on September 17, 2015 and by the Tenant on November 12, 2015.

The Landlord applied for a Monetary Order for: unpaid rent; damage to the rental unit; to keep the Tenants' security deposit, and to recover the filing fee. The Tenant applied for: the return of his security deposit; for money owed or compensation for damage or loss under the *Residential Tenancy Act* (the "Act"), regulation or tenancy agreement; and to recover the filing fee from the Landlord.

An agent for the Landlord (the "Landlord") and the Tenant appeared for the hearing and provided affirmed testimony. Both parties confirmed receipt of each other's Application and each other's documentary and digital evidence served prior to the hearing.

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 on the evidence provided. After the parties had provided and presented their evidence in relation to both Applications, I offered the parties an opportunity to resolve the Applications by 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.

As a result, the parties agreed that while they would both be entitled to some monetary compensation they were willing to reach mutual agreement in respect to each other's monetary claims as follows.

The Landlord agreed to return the Tenant's security deposit in the amount of \$1,175.00 to settle both Applications in full and final satisfaction. The agreement was confirmed with the parties during and at the conclusion of the hearing and both parties confirmed their understanding to move forward with resolution in this manner.

As a result, the Tenant is issued with a Monetary Order in the amount of \$1,175.00 which is enforceable in the Small Claims court **if** the Landlord fails to make payment in accordance with this agreement after receipt of this decision. The Landlord is cautioned to retain documentary evidence of the payment made to Tenant to meet the terms of this agreement.

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. 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: March 23, 2016

Residential Tenancy Branch