



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNDC, FF

Introduction

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

- a monetary order for damage to the rental unit, and for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement pursuant to section 67; and
- authorization to recover their filing fee for this application from the tenant pursuant to section 72.

The tenants appeared. The landlords appeared. The landlords were assisted with translation by their daughter. No issues of service were raised by the parties.

Prior Application

This tenancy was the subject of an earlier application for dispute resolution by the tenants for return of their security deposit. The tenants were awarded return of double their security deposit for the landlords' failure to comply with section 38 of the Act. The tenants received a monetary order in the amount of \$2,400.00. The monetary order remains unsatisfied.

In the course of the hearing the parties were able to reach an agreement to resolve all outstanding issues—including the unsatisfied monetary order.

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 that they will not enforce the monetary order issued 1 September 2015 in the amount of \$2,400.00. For all intents and purposes, the prior order is cancelled and of no force and effect.
2. The landlords agreed to pay to the tenants \$1,200.00.
3. The landlords and tenants agreed that the parties would not file any further applications for dispute resolution for this tenancy, which has ended.

The parties stated that they understood the terms of the agreement. The parties agreed that these particulars comprise the full and final settlement of all aspects of their disputes for both parties.

The landlords informed the tenants that they would mail the cheque on 8 April 2016 in satisfaction of this settlement.

Conclusion

The tenants agree that they will not enforce the prior order dated 1 September 2015.

I issue a monetary order in the tenants' favour in the amount of \$1,200.00. The tenants are provided with a monetary order. Should the landlord(s) fail 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: April 07, 2016

Residential Tenancy Branch