



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding TELKWA SENIORS HOUSING SOCIETY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNDC FF O

Introduction

This hearing was convened as a result of the tenant's application for dispute resolution under the *Residential Tenancy Act* (the "*Act*"). The tenant applied for a monetary order for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement, to recover the cost of the filing fee and "other", although there are no other remedies sought under the *Act* in the tenant's details of dispute.

The tenant and two agents for landlord (the "agents") attended the teleconference hearing. The parties gave affirmed testimony, were provided the opportunity to present their evidence orally and in documentary form prior to the hearing, and make submissions to me.

Neither party raised any concerns regarding the service of documentary evidence.

Settlement Agreement

During the hearing, the parties agreed to settle the matters described in the tenant's application on the following conditions:

1. The parties agree that the tenancy will end on **May 31, 2016 at 1:00 p.m.** The landlord must serve the tenant with the order of possession.
2. The landlord is granted an order of possession effective **May 31, 2016 at 1:00 p.m.** which must be served on the tenant.
3. The landlord agrees to pay the tenant the amount of **\$187.50** comprised of \$87.50 for overpayment of the security deposit and for the recovery of the \$100.00 filing fee **on or before April 30, 2016 by 1:00 p.m.**
4. The tenant withdraws his application in full as part of this mutually settled agreement between the parties.

5. The tenant is granted a monetary order in the amount of **\$187.50** which will be of no force or effect if the amount owing has been paid in full by the landlord to the tenant according to #3 above.

This settlement agreement was reached in accordance with section 63 of the *Residential Tenancy Act*.

Conclusion

I order the parties to comply with the terms of their settlement agreement described above.

The landlord has been granted an order of possession effective May 31, 2016 at 1:00 p.m., which must be served on the tenant. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

The tenant has been granted a monetary order in the amount of \$187.50 which will be of no force or effect if the amount owing has been paid in full according to #3 above. Should the tenant require enforcement of the monetary order, the monetary order must be served on the landlord and may be filed in the Provincial Court (Small Claims) and enforced as an order of that court.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: April 19, 2016

Residential Tenancy Branch