



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNR, MNSD, FF, O

Introduction

This hearing was convened by conference call in response to an Application for Dispute Resolution (the “Application”) made by the Landlords for a Monetary Order for: unpaid rent; damage to the rental unit; to keep the Tenant’s security deposit; to recover the filing fee; and for “Other” undisclosed issues.

The Landlords and the Tenant appeared for the hearing and provided affirmed testimony. In a prior hearing, the Landlords had been successful in obtaining an order to serve the Tenant with notice of this hearing by email. The Tenant confirmed receipt of the Landlords’ Application and their documentary evidence by email. The Landlords confirmed receipt of the Tenant’s evidence prior to the hearing. No issues were raised with regards to the service of this evidence under the *Residential Tenancy Act* (the “Act”) and the Rules of Procedure.

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. Both parties made a number of submissions and presented evidence during the hearing. However, after a lengthy discussion, the parties decided that it would be best to settle the Landlords’ monetary claim in full through a mutual resolution.

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.

During the hearing, the parties discussed the issues between them, engaged in a conversation, turned their minds to compromise, and achieved a resolution of the dispute. Both parties agreed to settle the Landlords’ monetary claim as follows:

1. The Landlords may keep the Tenant’s security deposit of **\$450.00**.

2. The Tenant will pay to the Landlords' the remaining balance of **\$1,400.00** to settle the Landlord's Application in full and final satisfaction.
3. This amount is to be paid by the Tenant forthwith to the Landlords. The Tenant may send a cheque by registered mail to the Landlords' address detailed on their Application. The Tenant should retain documentary evidence of the payment made.
4. The Landlords are issued with a Monetary Order for the outstanding amount of \$1,400.00. Copies of this order are attached with the Landlords' copy of this decision. **If** the Tenant fails to make voluntary payment for the above amount, then a copy of the order must be served on the Tenant and may be then be filed and enforced in the Small Claims Division of the Provincial Court as an order of that court.

This agreement is fully binding on the parties and is in **full satisfaction** of the Landlords' Application. The parties confirmed their voluntary agreement to resolution in this manner both during and at the conclusion of the hearing. This file is 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: August 22, 2016

Residential Tenancy Branch