



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC PSF FF

Introduction

This hearing was convened to hear matters pertaining to an Application for Dispute Resolution filed by the Tenant on July 8, 2016. The Tenant filed seeking a \$693.68 Monetary Order for money owed or compensation for damage or loss under the *Act*, regulation, or tenancy agreement; to have the Landlord provide services or facilities; and to recover the cost of the filing fee.

The hearing was conducted via teleconference and was attended by the Landlord and the Tenant. Each person gave affirmed testimony. I explained how the hearing would proceed and the expectations for conduct during the hearing, in accordance with the Rules of Procedure. Each party was provided an opportunity to ask questions about the process however, each declined and acknowledged that they understood how the conference would proceed.

Both parties were provided with the opportunity to present relevant oral evidence, to ask questions, and to make relevant submissions. Following is a summary of those submissions and includes only that which is relevant to the matters before me.

Issue(s) to be Decided

Have the parties agreed to settle these matters?

Background and Evidence

The Tenant and two co-tenants entered into a written fixed term tenancy agreement with the Landlord. The tenancy agreement began on June 1, 2015 and was scheduled to end on May 31, 2016. Rent of \$1,877.00 was payable on the first of each month and on June 1, 2015 the Tenants paid \$938.50 as the security deposit. The parties mutually agreed to end the tenancy effective April 30, 2016 and the security deposit was returned to the Tenants. During the course of this proceeding the parties agreed to settle these matters.

Analysis

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 and achieved a resolution of their dispute on the following terms:

- 1) The Tenant agreed to withdraw his application for Dispute Resolution;
- 2) The Landlord agreed to pay the applicant Tenant **\$350.00** as full and final compensation;
- 3) The \$350.00 payment will be sent to the applicant Tenant by the Landlord or his Agent no later than August 25, 2016 via email transfer. The email transfer was to be sent to the Tenant's email address as listed on the front page of this Decision. The Landlord provided the Tenant the password to collect the payment during this hearing;
- 4) in consideration for this mutual settlement each person agreed that no further claims would be made by anyone whatsoever arising from this tenancy;
- 5) Each person acknowledged their understanding that this settled Decision resolved the matters contained in the Tenant's application and that no findings were made on the merits of the said application for dispute resolution; and
- 6) Each person agreed that the terms of this settlement agreement were reached by their own free will and without undue pressure or intimidation.

The parties agreed to settle these matters; therefore, I declined to award recovery of the filing fee.

In the event the Tenant does not receive the agreed upon payment of \$350.00 by email transfer, the Tenant may serve the Landlord the enclosed Monetary Order for **\$350.00**.

Conclusion

The parties agreed to settle these matters, pursuant to section 63 of the Act and the Tenant has been issued a Monetary Order for **\$350.00**.

This decision is final, legally binding, 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: August 26, 2016

Residential Tenancy Branch