



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNSD, MNDC, FF, O

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 January 27, 2016. The Landlord applied for a Monetary Order for: damage to the rental unit; to keep the Tenants’ security and pet damage deposits; for money owed or compensation for damage or loss under the *Residential Tenancy Act* (the “Act”); to recover the filing fee from the Tenants; and for “Other” undisclosed issues.

The Landlord and one of the Tenants appeared for the hearing and provided affirmed testimony during the hearing as well as documentary and photographic evidence prior to the hearing. The Tenant confirmed receipt of the Landlord’s Application and the parties confirmed receipt of each other’s evidence prior to the hearing. No other issues were raised with regards to the service of documents. 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.

The parties confirmed that the Tenants had paid a \$6500.00 security deposit and a \$350.00 pet damage deposit for this tenancy which the Landlord still retained. No interest is payable on these amounts. Both parties presented evidence and submissions in relation to the Landlord’s Application. At the end of the hearing, I offered the parties an opportunity to settle the matter through mutual settlement. As a result, the parties turned their minds to compromise in an effort to reach resolution of the dispute.

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.

Both parties agreed to settle the Landlord's Application in the amount of \$1,567.73 payable to the Landlord. The Tenant consented to the Landlord keeping their security and pet damage deposit in the amount of \$1,000.00. In addition, the Tenant agreed to pay the Landlord \$567.73 for the remaining agreed amount. This amount is to be paid to the Landlord forthwith after receipt of this decision.

The Landlord is issued with a Monetary Order for the balance of the agreed amount of \$567.73 which is enforceable in the Small Claims Division of the Provincial Court **if** the Tenants fail to make payment in accordance with this agreement. Copies of this order are attached to the Landlord's copy of this Decision. The Tenants should retain documentary evidence of payment made to the Landlord in accordance with this agreement.

This agreement and order is fully binding on the parties and is in full satisfaction of the Landlord's Application. The parties confirmed their 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: September 13, 2016

Residential Tenancy Branch