



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPN, MNR, MNDC, FF (Landlord's Application)  
                             MNDS, MNDC, FF (Tenants' Application)

### Introduction

This hearing was convened by way of a telephone conference call in response to an Application for Dispute Resolution (the "Application") made by the Tenants on April 19, 2016 and by the Landlord on August 9, 2016.

The Landlord applied for an Order of Possession and to recover the filing fee from the Tenants. The Landlord also made a monetary claim for: unpaid rent; to keep the Tenants' security and pet damage deposits (herein referred to as the "Deposits"); and for money owed or compensation for damage or loss under the *Residential Tenancy Act* (the "Act"), regulation or tenancy agreement. The Tenants applied for: the return of their Deposits; money owed or compensation for damage or loss under the Act, regulation or tenancy agreement; and recovery of the filing fee from the Landlord.

The Tenants and the Landlord appeared for the hearing and provided affirmed testimony. No issues were raised in relation to the service of the parties' Application and documentary evidence served prior to this hearing. 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. While both parties provided an extensive amount of documentary and oral evidence which I have considered, I have only documented that evidence which I relied upon to making findings in this case.

### Preliminary Issues

The parties confirmed that this tenancy had ended. The Landlord confirmed that her request for an Order of Possession was a clerical mistake on the Application which I hereby now dismiss. The hearing continued and heard the evidence and submissions relating to both parties' monetary claims.

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. Therefore, at the conclusion of the hearing, I offered the parties an opportunity to settle the matter by way of mutual negotiation and agreement.

The parties considered this option, had a lengthy discussion, and turned their minds to compromise. After some negotiation which I assisted the parties with, the parties reached a settlement agreement in full and final satisfaction of both Applications.

The parties agreed that the Landlord would pay the Tenants \$1,950.00 to settle both Applications in full satisfaction. This amount is to be paid to the Tenants by October 15, 2016. The Tenants are issued with a Monetary Order for this amount which is enforceable in the Small Claims Division of the Provincial Court as an order of that court if the Landlord fails to make payment. Copies of the order are attached to the Tenant's copy of this Decision.

The Landlord is cautioned to retain documentary evidence of payment made to meet the terms and conditions of this agreement. This agreement and order is fully binding on the parties and is in full and final satisfaction of this dispute. These files are 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 28, 2016

---

Residential Tenancy Branch