



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, OLC, FF

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* ("Act") for:

- a monetary order for money owed or compensation for damage or loss under the *Act*, *Residential Tenancy Regulation* ("Regulation") or tenancy agreement, pursuant to section 67;
- an order requiring the landlord to comply with the *Act*, *Regulation* or tenancy agreement, pursuant to section 62; and
- authorization to recover the filing fee for this application, pursuant to section 72.

The tenant and her English language interpreter, RA (collectively "tenant") and the landlord attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. The tenant confirmed that her interpreter had authority to assist her at this hearing. This hearing lasted approximately 47 minutes in order to allow both parties to fully negotiate a settlement of this matter.

The landlord confirmed receipt of the tenant's application for dispute resolution hearing package. In accordance with sections 89 and 90 of the *Act*, I find that the landlord was duly served with the tenant's application.

The tenant confirmed that she did not serve coloured photographs on the landlord prior to this hearing. As this matter settled, I do not find it necessary to make findings regarding service of the tenant's photographs.

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, turned their minds to compromise and achieved a resolution of their dispute.

Both parties agreed to the following final and binding settlement of all issues with respect to this dispute:

1. The landlord agreed to pay the tenant \$1,100.00 by November 30, 2016;
2. The tenant agreed to bear the cost of the \$100.00 filing fee paid for this application;
3. Both parties agreed that this settlement agreement constitutes a final and binding resolution of the tenant's application at this hearing; and
4. Both parties agreed that the tenant's security deposit will be dealt with in accordance with section 38 of the *Act*.

These particulars comprise a full and final settlement of all aspects of this dispute. Both parties testified at the hearing that they understood and agreed to the above settlement terms, free of any duress or coercion. Both parties testified that they understood that the settlement terms are legal, final, binding and enforceable, settling all aspects of this dispute.

The tenant testified a number of times that she understood the terms of this settlement agreement and that she was making the agreement voluntarily, of her own free will, not under any duress or pressure.

Conclusion

In order to implement the above settlement reached between the parties, and as advised to both parties during the hearing, I issue a monetary Order in the tenant's favour in the amount of \$1,100.00. I deliver this Order to the tenant in support of the above agreement for use **only** in the event that the landlord does not abide by condition #1 of the above agreement. The tenant is provided with this Order in the above terms and the landlord must be served with a copy of this Order as soon as possible after the landlord does not abide by condition #1 of the above agreement. Should the landlord fail to comply with this Order, this Order may be filed in the Small Claims Division of the Provincial Court and enforced as an Order of that Court.

The tenant must bear the cost of the \$100.00 filing fee paid for her application.

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: October 05, 2016

Residential Tenancy Branch

