



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, MNSD, MNDC, FF

Introduction

This hearing was convened by conference call in response to an Application for Dispute Resolution (the “Application”) made by the Landlord on November 1, 2016 for a Monetary Order for: unpaid rent; money owed or compensation for damage or loss under the *Residential Tenancy Act* (the “Act”); to keep all of the Tenant’s security deposit; and to recover the filing fee from the Tenant.

The Landlord and Tenant appeared for the hearing and provided affirmed testimony as well as documentary evidence prior to the hearing. No issues in relation to the service of the Application and the parties’ documentary evidence were raised.

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 Tenant experienced some technical difficulties at the start of the hearing but was allowed time to resolve this so that she could present evidence and respond to the Landlord’s monetary claim.

Section 63 of the Act, allows an Arbitrator to 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.

As a result, at the end of the hearing, I offered the parties a chance to settle the matter between them through mutual settlement. 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 Landlord’s application in full under the following terms.

The Tenant agreed that the Landlord can keep the Tenant's security deposit in the amount of \$700.00 in partial satisfaction of the Landlord's monetary claim. In addition, the Tenant will pay to the Landlord \$450.00 in full satisfaction of the Landlord's claim after receipt of this Decision.

In order to give effect to the above agreement, the Landlord is issued with a Monetary Order for the amount payable by the Tenant of \$450.00. This order may be served on the Tenant and enforced in the Small Claims Division of the Provincial Court as an order of that court **if** the Tenant fails to make payment. The Tenant is cautioned to retain documentary evidence to prove payment has been made pursuant to this agreement.

The parties agreed that this settlement agreement was in full and final satisfaction of all the issues associated with this tenancy. Therefore, the parties are now barred from making any further Applications against each other.

Both parties confirmed their voluntary agreement and understanding of mutual resolution in this manner both during and at the end 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 Act.

Dated: December 19, 2016

Residential Tenancy Branch