



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

FINAL DECISION

Dispute Codes:

MNDC, MNSD, FF

Introduction

This hearing was scheduled in response to the tenants' Application for Dispute Resolution, in which the tenants' have requested compensation for damage or loss under the Act and return of double the security deposit and to recover the filing fee from the landlord for the cost of this Application for Dispute Resolution. This is a correction to the details included in the interim decision.

Both parties were present at each of the two hearings. At the start of the reconvened hearing I introduced myself and the participants and reminded the parties they continued to provide affirmed testimony.

Preliminary Matters

The tenants did not fully follow the instructions given in the interim decision issued on January 9, 2017. The landlord was given some documents, but the tenants did not serve a complete numbered package to the landlord.

The tenants confirmed receipt of 11 pages given by the landlord six days prior to the hearing.

The parties agreed to accept the submissions given by each. They were informed that any documents referenced during the hearing must be identified as before each party.

Mutually Settled Agreement

There was no dispute that this one year fixed term tenancy commenced on May 15, 2016. A condition inspection report was not completed.

The tenants vacated the rental unit at the end of June 2016. The tenant submits the tenancy was ended as the result of a breach of a material term of the tenancy agreement. The tenants made a claim requesting return of double the \$1,000.00 pet deposit and \$1,400.00 security deposit. The tenant also claimed the cost of related moving costs.

After over one hour of testimony the parties were able to reach a mutual settled agreement as follows:

- Within the next two weeks the landlord will return \$1,400.00 of the deposits to the tenant;

- A cheque will be mailed to the service address provided on the tenants' application;
- All matters related to this tenancy are now fully settled; and
- Neither party may proceed with any dispute resolution claim against the other, related to this tenancy.

During the hearing it was explained that the mutual agreement would be supported by orders.

Section 63 of the Act provides:

Opportunity to settle dispute

63 (1) *The director may assist the parties, or offer the parties an opportunity, to settle their dispute.*

(2) If the parties settle their dispute during dispute resolution proceedings, the director may record the settlement in the form of a decision or an order.

Therefore, in support of the mutual agreement I find and order that the landlord return \$1,400.00 to the tenant. I further order that all matters related to this tenancy are fully settled. Any further application made by either party may not proceed.

Based on these determinations and the mutual agreement I grant the tenant a monetary order in the sum agreed: \$1,400.00. In the event that the landlord does not comply with this Order, it may be served on the landlord, filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

Conclusion

The parties reached a mutually settled agreement.

All matters related to this tenancy are fully settled.

This decision is final and 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: February 14, 2017

Residential Tenancy Branch