



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, MNDC, FF

Introduction

This hearing was convened in response to an application by the Tenant pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. A Monetary Order for compensation - Section 67;
2. An Order for the return of the security deposit - Section 38; and
3. An Order to recover the filing fee for this application - Section 72.

Both Parties attended the conference call hearing and gave evidence under oath. The Witness gave evidence under oath. After both Parties concluded the provision of their evidence the Parties reached an agreement to settle the dispute.

Agreed Facts

The Landlord collected \$1,000.00 as a security deposit for a tenancy to start on June 1, 2016. The Tenant did not move into the unit and asked for return of the security deposit, the last request occurring on May 28, 2016. The Tenant provided its forwarding address in writing. The Landlord did not return the security deposit and made no claim against the security deposit. The unit was then rented out to a different party at a higher rental rate.

Settlement Agreement

The Parties mutually agree as follows:

- 1. The Landlord will pay the Tenant \$1,100.00 in the form of a bank draft; and**
- 2. The Landlord will deliver the bank draft to the Tenant no later than 6:00 p.m. on March 14, 2017; and**

3. These terms comprise the full and final settlement of all aspects of this dispute for both Parties.

Section 63 of the Act provides that if the parties settle their dispute during dispute resolution proceedings, the settlement may be recorded in the form of a decision or order. Given the mutual agreement reached during the Hearing, I find that the Parties have settled their dispute as recorded above and I grant the Tenant a monetary order to give effect to the Landlord's promise to pay should the Landlord fail to pay the Tenant as agreed.

Conclusion

The Parties have settled the dispute.

I grant the Tenant an order under Section 67 of the Act for **\$1,100.00**. If necessary, this order may be filed in the Small Claims Court and enforced as an order of that Court.

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: March 13, 2017

Residential Tenancy Branch