



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNSD, FF

Introduction

This hearing was convened by way of conference call in response to the Landlord's Application for Dispute Resolution (the "Application") filed on September 12, 2016 for a Monetary Order for: damage to the rental unit; to keep the Tenants' remaining security deposit; and to recover the filing fee from the Tenants.

The Landlord, the Landlord's son, and the Tenants appeared for the hearing and all testimony was taken under affirmation. The Tenants confirmed service of the Landlord's Application and both parties confirmed receipt of each other's documentary evidence which contained within in pages of photographs. No physical photographs were provided or served prior to this hearing.

The hearing process was explained to the parties and no questions were raised about the proceedings. Both parties were given a full opportunity to present evidence, make submissions to me, and cross examine the other party on the evidence provided.

Section 63 of the *Residential Tenancy 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.

After the parties had finished presenting their evidence, I offered the parties an opportunity to settle the dispute by mutual agreement. The parties considered this form of resolution and agreed to engage in a conversation in an effort to move forward with resolution with my assistance. As a result, the parties were able to reach resolution to their dispute as follows.

Settlement Agreement

The parties agreed that the Landlord can keep \$607.35 of the \$1,007.35 security deposit the Landlord retained at the end of the tenancy and prior to this hearing.

Accordingly, the Landlord agreed to return the remaining balance of the Tenants' security deposit in the amount of \$400.00 which is to be sent to the Tenants on or before March 15, 2017.

The Tenants are issued with a Monetary Order for \$400.00 which is enforceable in the Small Claims Division of the Provincial court **if** the Landlord fails to make payment. The Landlord is cautioned to retain documentary evidence of the return amount paid to the Tenants as they could be held liable for costs incurred by the Tenants for enforcing the order.

This agreement and order is fully binding on the parties and is in full satisfaction of the Landlord's Application. The parties confirmed their voluntary agreement and understanding to 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: March 08, 2017

Residential Tenancy Branch