



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MNDC, MNSD, MND, RPP, FF.

Introduction

This hearing dealt with applications by the landlord and the tenant, pursuant to the *Residential Tenancy Act*.

The landlord applied for a monetary order for the loss of income, cleaning, replacing blinds, mailing costs, cost of photographs and the filing fee. The tenant applied for compensation pursuant to section 51 of the *Act*, for the return of the pet and security deposits and for the filing fee. The tenant also applied for the return of a fireplace left behind in the rental unit.

Both parties attended the hearing and were given full opportunity to present evidence and make submissions. The parties acknowledged receipt of evidence submitted by the other and gave affirmed testimony.

Issues to be decided

Is the landlord entitled to a monetary order? Is the tenant entitled to a monetary order and to the return of the security and pet deposits?

Background and Evidence

The tenancy started in May 2013 and ended on February 28, 2017 pursuant to a notice to end tenancy for landlord's use of property. The monthly rent was \$1,337.00 and prior to moving in the tenant paid a security deposit of \$650.00 and a pet deposit of \$650.00.

During the hearing the parties engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

Analysis

Pursuant to Section 63 of the *Residential Tenancy Act*, the Arbitrator may assist the parties settle their dispute and if the parties settle their dispute during the hearing, the settlement may be recorded in the form of a decision or an order.

During this hearing, the parties reached an agreement to settle these matters, on the following conditions:

1. The landlord agreed to pay the tenant \$900.00 in full and final settlement of all claims against the tenant.
2. The tenant agreed to accept \$900.00 from the landlord in full and final settlement of all claims against the landlord. A monetary order in favour of the tenant for this amount will be granted to the tenant.
3. The landlord agreed to drop off the fireplace at the tenant's residence on Monday April 24, 2017 after 5:30pm.
4. The parties stated that they understood and agreed that the above particulars comprise full and final settlement of all aspects of the dispute for both parties.

Conclusion

Pursuant to the above agreement, I grant the tenant a monetary order under section 67 of the *Residential Tenancy Act* for the amount of **\$900.00**. This order may be filed in the Small Claims Court and enforced as an order of that Court.

I order the landlord to return the fireplace that the tenant left behind by dropping it off at the tenant's residence on April 24, 2017 after 5:30pm.

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: April 20, 2017

Residential Tenancy Branch