



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

MND, MNR, MNSD, MNDC, FF (Landlords' Application)
MNSD, MNDC, FF (Tenant's Application)

Introduction

These hearings were convened by way of telephone conference call in response to an Application for Dispute Resolution (the "Application") made by both the Landlords and the Tenant.

The Landlords applied on October 13, 2016 for a Monetary Order for: unpaid rent; damages to the rental unit; money owed or compensation for damage or loss under the *Residential Tenancy Act* (the "Act"), regulation or tenancy agreement; to keep the Tenant's security and pet damage deposits; and to recover the filing fee from the Tenant.

The Tenant applied on December 19, 2016 for: the return of her security and pet damage deposits; money owed or compensation for damage or loss under the Act, regulation or tenancy agreement; the recovery of the filing fee from the Landlords.

Both Landlords dialed into the hearing that took place on April 18, 2017. However there was no appearance by the Tenant for the duration of that hearing and the hearing continued with the Landlords' undisputed evidence. After the hearing had concluded, it came to my attention that because the hearing had started late, the Tenant had dialed into the hearing on time but had exited the call before waiting on the line for 30 minutes. Under these circumstances and pursuant to my Interim Decision dated April 20, 2017, I adjourned the hearing to reconvene in order to allow the Tenant to provide her evidence.

The Tenant, a witness for the Tenant, and both Landlords appeared for the reconvened hearing and provided affirmed testimony. The parties confirmed receipt of each other's Application and documentary and photographic evidence served prior to the hearing. 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 and the Tenant's witness on the evidence provided. The Landlord's evidence provided at the April 18, 2017 hearing was also reviewed and presented as part of the hearing.

Section 63 of the Act states that an Arbitrator may 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 with respect to the monetary claims before me, I offered the parties an opportunity to settle both Applications by mutual agreement. I informed the parties that they had a voluntary option to turn their minds to compromise and achieve resolution between them rather than have resolution decided for them through a legally binding decision. The parties agreed to turn their minds to compromise, and with my assistance were able to reach the following agreement.

Settlement Agreement

The parties agreed the Landlords can keep **\$1,050.00** from the Tenant's security and pet damage deposits of \$1,650.00 in full and final satisfaction of both Applications. Accordingly, the Landlords agreed to return the remainder of the Tenant's security deposit in the amount of **\$600.00** by e-transfer payable on or before June 15, 2017.

The Tenant is issued with a Monetary Order for this amount which is enforceable in the Small Claims Division of the Provincial court **if** the Landlords fail to make payment. The Landlords are cautioned to retain evidence of the payment returned to the Tenant.

This agreement and order is fully binding on the parties and is in full and final satisfaction of both Applications. Therefore, no further applications are permitted. The parties confirmed their voluntary agreement to resolution in this manner both during and at the end of the hearing. Both files are 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: May 31, 2017

Residential Tenancy Branch