



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding PLAN A REAL ESTATE SERVICES LTD.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MNSD, MNDC, 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 January 25, 2017. The Landlord applied for a Monetary Order for: 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 deposit; and to recover the filing fee from the Tenant.

An agent for the company Landlord and the Tenant appeared for the hearing and provided affirmed testimony. The Tenant confirmed receipt of the Landlord's Application and the parties confirmed receipt of each other's evidence 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 on the evidence provided.

The parties confirmed that the Tenant had paid a \$1,100.00 security deposit for this tenancy which the Landlord still retained. No interest is payable on this amount. Both parties presented evidence and submissions in relation to the Landlord's Application. At the end of the hearing, I offered the parties an opportunity to settle the matter through mutual settlement. The Tenant made an offer of settlement but the Landlord's agent rejected this and counter-proposed. As a result, the Tenant accepted the Landlord's agent's offer to settle the Application in full satisfaction as follows.

### Settlement Agreement

Section 63 of the 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.

The Tenant consented to the Landlord keeping his security deposit of \$1,100.00. In addition, the Tenant agreed to pay the Landlord \$500.00 for the remainder of the Landlord's claim. This amount is to be paid to the Landlord within one week of the date of this Decision by e-transfer.

The Landlord is issued with a Monetary Order for the balance of the agreed amount of \$500.00 which is enforceable in the Small Claims Division of the Provincial Court if the Tenant fails to make payment in accordance with this agreement.

Copies of this order are attached to the Landlord's copy of this Decision. The Tenant should retain documentary evidence of payment made to the Landlord in accordance with this agreement.

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 to resolution in this manner both during and at the conclusion 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: July 11, 2017

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Residential Tenancy Branch