



Dispute Resolution Services

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Residential Tenancy Branch Office of Housing and Construction Standards

Decision Codes: FF, MNR, MND, MNSD & MNDC

Introduction

The Application for Dispute Resolution filed by the landlord makes the following claims:

- a. A monetary order in the sum of \$950 for damages
- b. An order to keep the security deposit.
- c. An order to recover the cost of the filing fee

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the Application for Dispute Resolution/Notice of Hearing was served on the tenants by mailing by registered mail to where the tenants reside on February 4, 2017. With respect to each of the applicant's claims I find as follows:

Issues to be Decided

The issues to be decided are as follows:

- a. Whether the landlord is entitled to a monetary order and if so how much?
- b. Whether the landlord is entitled to retain all or a portion of the security deposit/pet deposit?
- c. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence:

The parties entered into a written tenancy agreement that provided that the tenancy would start on February 15, 2010. The tenancy agreement provided that the tenant(s) would pay rent of \$1235 per month payable in advance on the first day of each month. The tenants paid a security deposit and pet damage deposit totaling \$950.

The tenancy ended on December 31, 2016.

Preliminary Matter:

The Application for Dispute Resolution filed by the landlord claimed \$950. However, the landlord provided documents making a damage claim that exceeds \$31,000. The landlords did not amend their Application for Dispute Resolution. The Tenants dispute most of the landlord's claim. The tenants have been forced to leave their home because of the wildfires and are presently in Prince George living out of tenant. I advised the parties that as the landlord had not amended the Application for Dispute Resolution and given the tenants' present living situation that in all likelihood I would be dismissing the landlord's claim with liberty to re-apply if we proceeded with the hearing given the landlord had not amended the Application for Dispute Resolution and the tenants have not been given proper notice of the particulars of

the claims being made against them. I invited the parties to see whether they could negotiate a settlement.

Settlement:

The parties engaged in settlement discussions and reached a settlement. They asked me to record the settlement as follows:

- a. The landlord shall retain the security deposit and pet damage deposit totaling \$950.
- b. In addition the Tenants shall pay to the landlord the sum of \$2000 on or before July 13, 2018,
- c. The parties request the arbitrator to make a monetary order in this sum.
- d. This is a full and final settlement and each party releases and discharges the other from all further claims with respect to this tenancy.

The parties agreed that the tenants should be given a year to pay the \$2000 given their present situation with the wildfires.

Monetary Order and Security Deposit

As a result of the settlement I ordered that the landlords shall retain the security deposit and pet damage deposit totaling \$950. In addition I ordered that the tenants shall pay to the landlord the sum of \$2000 on or before July 13, 2018. All other claims in this application are dismissed.

The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial Court and enforced as an Order of that Court.

This decision is final and binding on the parties.

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: July 13, 2017

Residential Tenancy Branch