



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: FF, MNDC, MNR

Introduction

The Application for Dispute Resolution filed by the landlord seeks the following:

- a. A Monetary Order in the sum of \$1050 for loss of rent and the cost of the filing fees in previous applications.
- b. 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. At the end of the hearing the parties reached a settlement.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on the Tenant. With respect to each of the applicant's claims I find as follows:

Issue(s) 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 recover the cost of the filing fee?

Background and Evidence:

The tenancy began near the end of March 2016. The rent was \$800 per month payable in advance on the first day of each month. The tenant paid a security deposit of \$400 prior to the start of the tenancy.

On August 4, 2016 the tenant gave the landlord notice he was vacating in one month time. The tenant testified he vacated at the end of August. The landlord testified the tenant vacated in early September and the keys were not returned until September 7, 2016. She testified she lost rent for September.

The parties have been involved in several previous arbitrations. The tenant obtained an order for double the deposit. The landlord's application for review was accepted and a new hearing

was ordered. The tenant obtained an order in the sum of \$800 for double the deposit in the new hearing. The tenant represented he has not registered this monetary order in Small Claims Court as yet.

Settlement:

The parties reached a settlement and they asked that I record the settlement pursuant to section 63(2) of the Residential Tenancy Act as follows:

- a. The landlord shall pay to the Tenant the sum of \$300 on or before March 2, 2018.
- b. This is a full and final settlement and the landlord releases and discharges the Tenant from all claims she has against the Tenant including all claims made in this application.
- c. This is a full and final settlement and upon receipt of the \$300 payment referred to above on or before March 2, 2018 the Tenant releases and discharges the landlord from all claims he has with respect to this tenancy including the monetary order he has against the landlord in the sum of \$800 in the previous application.

As a result of the settlement I ordered that the landlord's claim in this application be dismissed.

This settlement 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: February 27, 2018

Residential Tenancy Branch