



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding WESTLOR HOLDINGS LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNSD FF

Introduction

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* ("the Act") for the return of their security deposit pursuant to section 38 and to recover the filing fee for this application from the landlord pursuant to section 72.

Both parties attended the hearing and were given an opportunity to present testimony and any other evidence. The landlord had two witnesses on hold to testify however they were not required. Both tenants were in attendance. Before the conclusion of this hearing, the parties discussed the issues between them, engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

Background and Evidence

This tenancy began on April 21, 2017. The tenants testified that by September 2017, they decided to vacate the rental unit. They stated that they were being bothered by smoke from an undetermined location and, since they had a young child, they decided to vacate the premises. The tenants gave approximately two weeks' notice of their end of tenancy to the landlord on September 15, 2017, paid September 2017 rent and vacated the rental unit prior to September 30, 2017.

The landlord was able to re-rent their unit for October 1, 2017. However, due to a variety of factors, the landlord did not return the tenants' security deposit within the 15 day timeline required under the *Residential Tenancy Act*. The landlord did return the tenants' full security deposit. After discussion of the issues during the tenancy and the requirements regarding security deposits under the Act and considering all of the circumstances of both parties, the parties were able to reach a reasonable agreement to resolve this dispute.

Analysis

Pursuant to section 63 of the *Act*, the 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. Given the agreement reached between the parties during the proceedings, I find that the parties have settled their dispute and the following records this settlement as a decision:

The Parties mutually agreed as follows:

1. The landlord agreed to pay the tenant \$812.50 on or before April 13, 2018.
2. These terms comprise the full and final settlement of all aspects of this dispute for both parties.

The parties confirmed at the end of the hearing that this agreement was made on a voluntary basis and that the parties understood the nature of this full and final settlement of this matter.

Conclusion

To give effect to the settlement reached between the parties, I issue a monetary order in the amount of \$812.50 to the tenants.

The tenants are provided with this Order in the above terms and the landlord must be served with this Order as soon as possible. Should the landlord fail to comply with this Order, this Order may be filed in the Small Claims Division of the Provincial Court and enforced as an Order of that Court.

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: March 29, 2018

Residential Tenancy Branch