



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## Decision

Decision Codes: ERP, MNDC, FF

### Introduction

The Application for Dispute Resolution filed by the Tenant(s) makes the following claims:

- a. A monetary order in the sum of \$22,836.18
- b. An order for the cost of emergency repairs.
- 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.

Both parties submitted numerous documents including affidavits and that attached a large number of exhibits.

### Background and Evidence:

The tenancy began on July 2009. The rent was initially \$1950 per month. It was subsequently reduced to \$1800 per month. The Tenant(s) paid a security deposit of \$875. The security deposit has been dealt with.

The Tenants filed an Application for Dispute Resolution seeking a monetary order of \$22,836.18. Section 63(2) of the Residential Tenancy Act provides as follows;

### **Opportunity to settle dispute**

- 63** (1) The director may assist the parties, or offer the parties an opportunity, to settle their dispute.
- (2) If the parties settle their dispute during dispute resolution proceedings, the director may record the settlement in the form of a decision or an order.

The parties were given an opportunity to settle the dispute at the start of the hearing before proceeding with a lengthy hearing. Both were represented by Counsel.

### 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(s) the sum of \$900.
- b. This is a full and final settlement and each party releases and discharges the other from all further claims with respect to this tenancy.

As a result of the settlement I order that the landlord pay to the Tenant(s) the sum of \$900.

It is further Ordered that this sum be paid forthwith. The applicant(s) are 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.

Counsel for the Tenants requested that the order include a direction that the settlement monies be paid by the landlord to the Tenants' solicitors in trust. I declined to make this order as the landlord stated she intended to pay the settlement money to her solicitor who would pay it to the solicitor for the Tenants and there does not appear to be a need for such an order. Further I determined it was not appropriate for an arbitrator to make such a direction as I am not able to find authority in the Act to make such an order. .

**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: April 10, 2018

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Residential Tenancy Branch