



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CHERRY CREEK PROPERTY SERVICES LTD.
and [tenant name suppressed to protect privacy]

DECISION AND RECORD OF SETTLEMENT

Dispute Codes: MNDL-S, MNRL-S, MNDCL-S, FFL

Introduction

This hearing was convened in response to an application by the landlord made April 12, 2018 for a Monetary Order under the *Residential Tenancy Act* (the Act) for damage, loss, unpaid rent, and an Order allowing setoff of the tenant's deposits of the tenancy in partial satisfaction of the monetary claim.

Both parties participated in the hearing and acknowledged receiving all of the evidence of the other. I also accepted the parties' evidence orally. The hearing proceeded on the merits of the landlord's original application. It is undisputed that the tenancy started November 15, 2016 and ended May 31, 2017. Equally undisputed is that at the outset of the tenancy the landlord collected security and pet damage deposits in the sum of \$1400.00 and that the landlord still holds the tenant's deposits in trust.

Section 63 of the *Residential Tenancy Act* provides that the parties may attempt to settle their dispute during a hearing. Pursuant to this provision, after this proceeding's review of all relevant evidence in this matter, discussion between the parties during the hearing led to a resolution. Specifically, both parties agreed and confirmed to me as follows;

1. The tenant will compensate the landlord in the amount of **\$5500.00**.

So as to perfect the parties' agreement,

I Order the landlord to retain the tenant's deposits of the tenancy held in trust totalling \$1400.00 in partial satisfaction of the agreed compensation to the landlord and **I grant** the landlord an Order under Section 67 of the Act for the balance of the agreed amount due of **\$4100.00**. If necessary, this Order may be filed in the Small Claims Court and enforced as an Order of that Court.

The above particulars comprise the **full and final settlement** of all aspects of this dispute for both parties. Both parties testified at the hearing that they understood and agreed to the above terms and that the above terms settle all aspects of this dispute and are **final and binding on both parties** and that any Order is enforceable.

Conclusion

The parties settled all aspects of their dispute in the above terms.

This Decision and Settlement are final and binding.

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: October 24, 2018

Residential Tenancy Branch