



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Yin Ho Enterprises Ltd
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNRL –S, MNDCL –S, FFL

Introduction

This hearing dealt with a landlord's application for a Monetary Order for unpaid rent and other damages or loss under the Act, regulations or tenancy agreement; and, authorization to retain the tenant's security deposit. Both parties appeared or were represented at the hearing and had the opportunity to make relevant submissions and to respond to the submissions of the other party pursuant to the Rules of Procedure.

After the parties had an opportunity to be heard, there was some discussion regarding an applicant's test for damages and the enforceable terms in a tenancy agreement. The parties turned their minds to resolving this dispute by way of a settlement agreement. A settlement agreement was reached and I have recorded the terms of settlement by way of this decision and the Monetary Order that accompanies it.

Issue(s) to be Decided

What are the terms of settlement?

Background and Evidence

In full and final settlement of any claims related to this tenancy the parties agreed upon the following terms during the hearing:

1. The landlord is authorized to retain and shall retain the tenant's security deposit of \$820.00.
2. The tenant shall further pay to the landlord the sum of \$850.00.

Analysis

Pursuant to section 63 of the Act, I have the authority to assist parties in reaching a settlement agreement during the hearing and to record the agreement in the form of a decision or order.

I have accepted and recorded the settlement agreement reached by the parties during this hearing and I make the term(s) an Order to be binding upon both parties.

In recognition of the mutual agreement, I authorize the landlord to retain the tenant's security deposit. I further provide the landlord with a Monetary Order in the amount of \$850.00 to serve and enforce upon the tenant if necessary.

Conclusion

The parties reached a settlement agreement in resolution of this dispute that I have recorded by way of this decision. In recognition of the settlement agreement the landlord is authorized to retain the tenant's security deposit and the landlord is provided a Monetary Order for the balance owing of \$850.00.

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 23, 2018

Residential Tenancy Branch