



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD FF

Introduction

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* ("Act") for:

- a return of the security deposit pursuant to section 38 of the *Act*; and
- a return of the filing fee pursuant to section 72 of *Act*.

Tenant N.F. and the landlord both attended the hearing. All parties were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The tenant said he served the landlord with his application for dispute and evidentiary package by way of Canada Post Registered Mail after it was sent on September 4, 2018. The landlord disputed receiving these documents, saying she was only made aware of the hearing after having received an email from the *Residential Tenancy Branch*. As part of the tenants' evidentiary package was a Canada Post Registered Mail receipt displaying an address for service for the landlord. This address matched the address displayed on the tenancy agreement signed by the parties. Pursuant to sections 88, 89 & 90 of the *Act*, the landlord is deemed served with the tenants' application for dispute and evidentiary package on September 9, 2018, five days after their mailing.

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. During the

hearing, the parties discussed the issues between them, turned their minds to compromise and achieved a resolution of their dispute.

Both parties agreed to the following final and binding settlement of all issues currently under dispute at this time:

1. The landlord agreed to pay the tenants a monetary award of \$393.75 in full satisfaction for a return of their security deposit.

These particulars comprise the full and final settlement of all aspects of this dispute. Both parties testified at the hearing that they understood and agreed to the above terms, free of any duress or coercion. Both parties testified that they understood and agreed that the above terms are legal, final, binding and enforceable, which settle all aspects of this dispute.

Conclusion

To give legal effect to the settlement agreed to by the parties and outlined above, I grant the tenants a monetary order of \$393.75. Should the landlord fail to comply with the order, the order may be filed in the Provincial Court of British Columbia 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: November 23, 2018

Residential Tenancy Branch