



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, MNDCT

Introduction

This hearing dealt with a tenant's application for a Monetary Order for damages or loss under the Act, regulations or tenancy agreement; and, refund of the security deposit and/or pet damage deposit that the landlord has retained. 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.

At the outset of the hearing, I explored service of hearing documents and evidence upon each other and the Residential Tenancy Branch. Both parties confirmed receipt of the other parties' documents. However, I noted that the landlord's submission to the Residential Tenancy Branch was not accessible by me due to the file extension of the file she uploaded to the Residential Tenancy Branch service portal. Since both parties had the landlord's submission before them, I permitted the parties to describe and read relevant portions of the landlord's submission to me during the hearing.

After both parties had an opportunity to be heard, the parties turned their minds to resolving this dispute by way of a settlement agreement. I was able to facilitate a settlement agreement between the parties. I have recorded the settlement agreement 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

During the hearing the parties mutually agreed to the following terms in full and final settlement of any and all disputes concerning this tenancy:

1. The landlord shall pay to the tenant the sum of \$500.00 within two days of the hearing.
2. The landlord holds \$100.00 of the tenant's security/pet damage deposit and she is authorized to retain that sum in full satisfaction of any damages or loss she incurred as a result of this tenancy, including unpaid utilities.

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 provide the tenant with a Monetary Order in the amount of \$500.00 to serve and enforce if the landlord does not fulfill term number 1 of the settlement agreement.

In recognition of the settlement agreement and for added certainty, I authorize the landlord to retain \$100.00 of the tenant's security/pet damage deposit in full satisfaction of her damages or losses.

Conclusion

The parties resolved this dispute by way of a settlement agreement that I have recorded by way of this decision and the Monetary Order that accompanies it.

In recognition of the mutual agreement, the tenant is provided a Monetary Order in the amount of \$500.00 to serve and enforce if the landlord does not fulfill term number 1 of the settlement agreement.

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: January 09, 2019

Residential Tenancy Branch