



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNDC-S, MNSD, FF

Introduction

On October 5, 2018 a hearing was conducted via conference call between these two parties. Both parties attended, made submissions and presented evidence. The tenants had applied for monetary compensation pursuant to sections 51 and 38 of the Act. The tenants were granted a monetary order on October 29, 2018. The landlord applied for a review of this decision for new and relevant evidence and fraud on November 9, 2018. The landlord's application for review for new and relevant evidence was dismissed. The review arbitrator ordered the decision and accompanying order suspended pending a review hearing for the tenants' application under fraud for the matters related to the security and pet damage deposits only on November 14, 2018.

This hearing dealt with applications from both the landlord and the tenants under the *Residential Tenancy Act* (the *Act*). The landlord applied for:

- a monetary order for damage to the rental unit and for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement pursuant to section 67;
- authorization to retain all or a portion of the tenant's security deposit in partial satisfaction of the monetary order requested pursuant to section 38;
- authorization to recover his/her/their/its filing fee for this application from the tenant pursuant to section 72.

This hearing also deals with a review hearing of the tenants' application pursuant to the *Residential Tenancy Act* (the "Act") for:

- a monetary order for the return of double the security deposit pursuant to section 38 and 67 of the Act.

Both parties attended the hearing via conference call and provided affirmed testimony. Both parties confirmed receipt of the notice of hearing packages for the landlord's application for dispute and the Review Decision granted for the Review Hearing scheduled.

Extensive discussions took place in which both parties decided to resolve these issues through mutual resolution.

Section 63 of the Residential Tenancy Act provides that the parties may attempt to settle their dispute during a hearing. Pursuant to this provision, discussion between the two parties during the hearing led to a resolution. Specifically, it was agreed as follows:

The landlord agreed to cancel his application for monetary compensation as filed.

The tenants both agreed to cancel their application for dispute to include the entire original tenants' application for dispute and forfeit their claim against the security and pet damage deposits.

Both parties agreed that the landlord will pay to the tenants \$3,500.00 (equal to the compensation previously issued under section 51 of the Act) which both parties agreed constituted a final and binding resolution of all monetary issues under dispute in both of their applications for dispute resolution.

Both parties agreed that the above noted particulars comprised a full and final settlement of all aspects of the dispute arising from their applications for dispute resolution.

The parties confirmed at the end of the hearing that this agreement was made on a voluntary basis and that the parties understood the nature of this full and final settlement of this matter.

In order to implement the above settlement reached between the parties, I issue a monetary order in the tenants favour in the amount of \$3,500.00. I deliver this Order to the tenants in support of the above agreement for use in the event that the landlord does not abide by the terms of the above settlement. The tenants are provided with this Order in the above terms and the landlord must be served with a copy of this Order as

soon as possible after a failure to comply with the terms of the above settlement agreement. Should the tenant(s) fail to comply with these Orders, these Orders may be filed in the Small Claims Division of the Provincial Court and enforced as Orders 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: January 14, 2019

Residential Tenancy Branch