



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding COLDWELL BANKER TRI TEL PROPERTY MANAGEMENT
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNDCT FFT

Introduction

On November 30, 2018, a hearing was held to address an application from the tenant pursuant to the *Residential Tenancy Act* (the *Act*) for:

- a monetary order for compensation for damage or loss under the *Act*, the regulations or tenancy agreement, pursuant to section 67 of the *Act*; and
- recovery of the filing fee for this application from the landlord pursuant to section 72 of the *Act*.

The hearing was adjourned to provide both parties an opportunity to sufficiently review each other's evidence due to late service.

The reconvened hearing was held on February 28, 2019 resulting in this Decision. This Decision is to be read in conjunction with the Interim Decision dated November 30, 2018.

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 hearing and all claims arising from this tenancy:

1. The landlord shall make payment of \$3,000.00 to the tenant. This payment to be made by money order and mailed to the tenant to the address noted on the cover sheet of this Decision. This payment must be made to and received by the tenant by no later than 5:00 p.m. on March 29, 2019.
2. Both parties agreed that this settlement as outlined above constitutes a final and binding resolution of the tenant's application for dispute resolution filed on July 28, 2018 and all issues arising from this tenancy.
3. Both parties confirmed that they agreed to the terms of this settlement free of any duress or coercion.

Conclusion

The landlord shall make payment of \$3,000.00 to the tenant. Payment shall be made to and received by the tenant by no later than 5:00 p.m. on March 29, 2019.

To give effect to the settlement reached between the parties and as advised to both parties during the hearing, I issue to the tenant the attached Monetary Order in the amount of \$3,000.00 to be served on the landlord by the tenant **only** if the landlord fails to make the payment required by the terms of this settlement agreement.

Should the landlord fail to comply with this Order, this Order may be filed in the Small Claims Division of the Provincial Court and enforced as an Order of that Court. If the landlord only makes a partial payment and not the total amount, this partial payment must be accounted for if the tenant is enforcing the Monetary Order.

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: February 28, 2019

Residential Tenancy Branch