



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FFL MNDL-S MNRL, FFT MNDCT MNSD

Introduction

This hearing dealt with two applications pursuant to the *Residential Tenancy Act* (the “**Act**”). The landlord’s application for:

- a monetary order for unpaid rent in the amount of \$650.00 pursuant to section 67;
- a monetary order for compensation for damage or loss under the Act, regulation or tenancy agreement in the amount of \$850.00 pursuant to section 67; and
- authorization to recover the filing fee for this application from the tenant pursuant to section 72.
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And the tenant’s application for:

- authorization to obtain a return of all the security deposit pursuant to section 38;
- a monetary order for compensation for damage or loss under the Act, regulation or tenancy agreement pursuant to section 67;
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

Both parties attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

Preliminary Issue – Cross-Application

Only the landlord’s hearing was originally set to be heard today. The tenant’s application (file number 11039822) was set to be heard on June 27, 2019. At this hearing, the parties entered into a settlement agreement which concerned itself with both the landlord’s application set for today, and the tenant’s application set for June 27, 2019. Accordingly, pursuant to section 62 of the Act, I order that the tenant’s application be heard together with the landlord’s application today.

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, engaged in a conversation, 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 of both files currently under dispute (file numbers 11036099 and 11039822):

1. The tenant will pay the landlord the following, by e-transfer:
 - a. \$80.00 by April 10, 2019;
 - b. \$80.00 by April 24, 2019; and
2. The landlord will retain the tenant's security deposit of \$650.00.

These particulars comprise the full and final settlement of all aspects of this dispute for the parties. The parties gave verbal affirmation at the hearing that they understood and agreed to the above terms as legal, final and binding, which settle all aspects of this dispute between these two parties.

Conclusion

As the parties have reached a settlement, I make no factual findings about the merits of this application.

Pursuant to section 63 of the Act, I order that the landlord's application (file number 11036099) and the tenant's application (file number 11039822) and settled on the terms set out above, and are dismissed without leave to reapply.

To give effect to the settlement reached between the tenant and the landlord and as discussed with them during the hearing, I issue the attached monetary order ordering the tenant to pay the landlord \$80.00 by April 10, 2019, and \$80.00 by April 24, 2019.

Should the tenant fail to comply with this order, this order may be filed and enforced as an order of the Small Claims Division of the Provincial Court of British Columbia.

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: March 25, 2019

Residential Tenancy Branch