



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: MNDCL-S, FFL

### **Introduction**

The Application for Dispute Resolution filed by the landlord seeks the following:

- a. A Monetary Order in the sum of \$1075.17 for the failure to pay utilities.
- b. An Order to retain the security deposit.
- c. An Order to recover the cost of the filing fee.

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. The parties entered into settlement discussion rather than litigate and eventually reached a full and final settlement.

I find that the Application for Dispute Resolution and Notice of Dispute Resolution Hearing was personally served on Tenant. With respect to each of the applicant's claims I find as follows:

### **Issue(s) to be Decided**

The issues to be decided are as follows:

- b. Whether the landlord is entitled to A Monetary Order and if so how much?
- c. Whether the landlord is entitled to retain all or a portion of the security deposit/pet deposit?
- d. Whether the landlord is entitled to recover the cost of the filing fee?

### **Background and Evidence:**

The parties entered into an oral tenancy agreement that provided that the tenancy would start on June 28, 2017. The rent was \$600 per month payable in advance on the 28<sup>th</sup> day of each month. The tenant paid a security deposit of \$300.

The Tenant has filed an Application for Dispute Resolution in File #31042252 seeking a monetary order that is set for hearing on July 25, 2019.

### **Settlement:**

The parties reached a settlement and they asked that I record the settlement pursuant to section 63(2) of the Residential Tenancy Act as follows:

- a. The landlord shall retain \$100 of the security deposit.
- b. The landlord shall pay to the Tenant the balance of the security deposit in the sum of \$200.
- c. This is a full and final settlement each party releases and discharges the other from all claims with respect to this tenancy.
- d. The Tenant shall cancel the hearing set for July 25, 2019 in File #31042252 and advise the landlord that the hearing has cancelled the hearing. The tenant releases and discharges the landlord from all claims set out in the Application set out in File #31042252.

Analysis - Monetary Order

As a result of the settlement I ordered that the landlord shall retain \$100 of the security deposit. I further ordered that the landlord shall pay to the Tenant the balance of the security deposit in the sum of \$200. All other claims set out in this application are dismissed.

It is further Ordered that this sum be paid forthwith. The parties are given a formal Order in the above terms and the applicant must be served with a copy of this Order as soon as possible.

Should the applicant fails to comply with this Order, the Order may be filed in the Small Claims division of the Provincial Court and enforced as an Order of that Court.

**This decision is final and binding on the parties.**

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: May 10, 2019

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Residential Tenancy Branch