



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, OPR, MNDCT, MT, FFT, FFL, OPRM-DR

The Application for Dispute Resolution filed by the Tenant makes the following claims:

- a. An order to cancel the 10 day Notice to End Tenancy dated March 15, 2019
- b. A monetary order in the sum of \$35,000
- c. An order for more time to make this application.
- d. An order that the tenant recover the cost of the filing fee

The Application for Dispute Resolution filed by the landlord makes the following claims:

- a. An Order for Possession for non-payment of rent
- b. A monetary order in the sum of \$16,000 for unpaid rent
- c. An order to retain the security deposit

At the start of the hearing the parties advised they had reached a settlement and that it was not necessary to proceed with the litigation. The parties requested that I record the settlement and issue the appropriate order. .

Background and Evidence:

The parties entered into a written tenancy agreement that provided that the tenancy would start on January 15, 2018 and continue on a month to month basis. The tenancy agreement provided that the tenant would be rent of \$6000. In addition there was a collateral agreement the tenant would pay a further \$2000 in rent. The tenant paid a security deposit of \$3000.

A dispute has arisen between the parties. After giving notice the tenant vacated the rental unit at the end of April 2019.

The landlord claims \$16,000 in unpaid rent. The tenant claims \$35,000 for the reduced value of the tenancy.

Settlement:

Prior to the hearing 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 the security deposit of \$3000.
- b. In addition the Tenant shall pay to the landlord the sum of \$2000.
- c. This is a full and final settlement and each party releases and discharges the other from all further claims with respect to this tenancy.

Determination and Orders:

As a result of the settlement I ordered that the landlord shall retain the security deposit of \$3000. In addition I further ordered that the tenant shall pay to the landlord the sum of \$2000.

All other claims raised in each of the application(s) are dismissed without leave to re-apply.

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

Should the Tenant fail 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 16, 2019

Residential Tenancy Branch