



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD

Introduction

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- the return of the security deposit pursuant to section 38 of the *Act*.

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

As both parties were present, service of documents was confirmed. The landlord confirmed receipt of the tenants' Notice of Dispute Resolution Proceeding Package and evidentiary materials. The tenants confirmed receipt of the landlord's evidence.

Based on the undisputed testimonies of the parties, I find that the notice of this hearing and evidentiary materials were served in accordance with the *Act*.

Issue(s) to be Decided

Are the tenants entitled to the return of the security deposit?

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 time and all claims arising from this tenancy, given that this tenancy has ended:**

1. The landlord will make payment to the tenants of \$1,200.00 by cheque to be sent to the tenants' address for service noted on the cover sheet of this Decision, to be received by the tenants no later than July 17, 2019, in full and final satisfaction of the tenants' Application for Dispute Resolution.
2. Both parties agreed that the terms of this settlement as outlined above constitute a final and binding resolution of: the tenants' Application dated March 20, 2019; all issues currently under dispute at this time; and that no further claims will be made by the landlord or the tenants whatsoever arising from this tenancy.
3. The parties confirmed that they agreed to the terms of this settlement free of any duress or coercion.

Conclusion

To give effect to the settlement reached between the parties and as advised to both parties during the hearing, I issue to the tenants the attached Monetary Order to be served on the landlord by the tenants ONLY if the landlord fails to pay the tenants per the terms of the settlement agreement. Should the tenants be required to serve this Order on the landlord, 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 tenants are enforcing the Monetary Order.

The tenants' application for dispute resolution dated March 20, 2019 is dismissed in its entirety.

Neither party may make a claim whatsoever against the other party arising from this tenancy. 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: July 09, 2019