



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND MNSD FF

Introduction

This hearing dealt with the Landlords' Application for Dispute Resolution, made on May 8, 2019, as amended on July 19, 2019 (the "Application"). The Landlords applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- a monetary order for compensation for damage;
- an order that the Landlord be permitted to apply the security deposit held to any monetary award granted; and
- an order granting recovery of the filing fee.

The Landlords attended the hearing on their own behalves. C.M. attended the hearing but C.C. did not attend the hearing. The Landlords and C.M. provided a solemn affirmation at the beginning of the hearing.

The Landlords testified that the Application package was served on the Tenants by registered mail on May 13, 2019. Canada Post tracking information was submitted in support. Pursuant to sections 89 and 90 of the Act, documents served by registered mail are deemed to be received 5 days later. I find the Application package is deemed to have been received by each Tenant on May 18, 2019.

In addition, the Landlords testified that an amendment was served on the Tenants by registered mail on July 20, 2019. Canada Post tracking information was submitted in support. Pursuant to sections 88 and 90 of the Act, documents served by registered mail are deemed to be received 5 days later. I find the amendment is deemed to have been received by each Tenant on July 25, 2019.

Settlement

The opportunity for settlement was discussed with the parties during the hearing. The parties were advised there is no obligation to resolve the dispute through settlement, but that I could assist the parties to reach an agreement, which would be documented in my Decision.

During the hearing, the parties mutually agreed to settle this matter as follows:

1. The Tenants agree to pay and the Landlords agree to accept the sum of \$12,150.82 in full and final satisfaction of the Landlords' claim.
2. The Landlords agree to withdraw the Application as part of this settlement

In the circumstances, I find it appropriate to order that the Landlords may retain the security deposit held in partial satisfaction of the settlement. The Tenants are jointly and severally liable for the settlement.

This settlement agreement was reached through negotiation, in accordance with section 63 of the *Act*. Therefore, I decline to grant the Landlords recovery of the filing fee.

Conclusion

I order the parties to comply with the terms of the settlement agreement described above.

In support of the settlement, and with the agreement of the parties, I grant the Landlords a monetary order in the amount of \$11,650.82 (\$12,150.82 - \$500.00). The order may be filed in and enforced as an order of the Provincial Court of British Columbia (Small Claims).

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: August 15, 2019

Residential Tenancy Branch