



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCT FFT

Introduction

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

- a monetary order for compensation for damage or loss under the *Act*, regulation or tenancy agreement, pursuant to section 67 of the *Act*, and
- recovery of the filing fee for this application from the landlord pursuant to section 72 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 landlords confirmed receipt of the tenants Notice of Dispute Resolution Proceeding package, as such I find that the landlords' were served with the notice of this hearing in accordance with section 89 of the *Act*. The landlords confirmed receipt of the tenants' photographic evidence and three flash drives, however, the landlords testified that they were only able to access the digital recording on one of the flash drives. The tenants confirmed receipt of the landlords' evidence. I informed the parties that only the evidence served in accordance with the *Act* and the Residential Tenancy Branch Rules of Procedures would be considered at this hearing.

During the hearing the parties discussed the issues between them, turned their minds to compromise and achieved a resolution of their dispute.

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.

Both parties agreed to the following final and binding settlement of the issue currently under dispute at this time:

1. The landlords agreed to pay the tenants \$2,000.00. The payments are to be made by cheques mailed to the tenants to their address for service (noted on the cover sheet of this Decision) in two installments as follows: the first cheque of \$1,000.00 to be paid by no later than 5:00 p.m. on October 1, 2019; and the second cheque of \$1,000.00 to be paid by no later than 5:00 p.m. on November 1, 2019. Both parties are instructed to retain proof of completion of these transactions.
2. Both parties agreed that this settlement constitutes a final and binding resolution of the tenants' Application, and that the parties agreed voluntarily.

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 a Monetary Order for \$2,000.00 dated November 1, 2019 to be served on the landlords ONLY if the landlords fail to abide by the terms set out in this settlement agreement.

Should the landlords fail to comply with this Order, this Order may be filed in the Small Claims Division of the Provincial Court and enforced as an Order of that Court. If the landlords only make a partial payment and not the total amount, this partial payment must be accounted for if the tenants are enforcing the Monetary Order.

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 22, 2019

Residential Tenancy Branch