



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR-S, FF

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

- a monetary order for unpaid rent pursuant to section 67;
- authorization to retain all or a portion of the tenant's security deposit in partial satisfaction of the monetary order requested pursuant to section 38;
- authorization to recover her filing fee for this application from the tenant pursuant to section 72.

Both parties attended the hearing via conference call and provided testimony. Both parties confirmed the landlord served the tenant with the notice of hearing package via Canada Post Registered Mail on June 10, 2019. The tenant states that she was not served as the package was not picked up by the tenant. The tenant stated that she was prepared to go ahead with the hearing.

At the outset, the parties entered into discussions to resolve the matter through settlement. Extensive discussions over a 54 minute period resulted in a mutual agreement.

Section 63 of the Residential Tenancy Act provides that the parties may attempt to settle their dispute during a hearing. Pursuant to this provision, discussion between the two parties during the hearing led to a resolution. Specifically, it was agreed as follows:

The landlord agreed to withdraw the application for a monetary order.

Both parties agreed the tenant shall pay to the landlord \$1,175.00 for rent arrears, which both parties agreed constituted a final and binding resolution of all monetary issues under dispute in both of this application for dispute resolution.

Both parties agreed that the \$1,175.00 shall be paid by the tenant via *etransfer* by 4pm on September 10, 2019.

Both parties agreed that the tenant shall forfeit any rights to the \$825.00 security deposit currently held by the landlord.

Both parties agreed that the above noted particulars comprised a full and final settlement of all aspects of the dispute arising from their applications for dispute resolution.

The parties confirmed at the end of the hearing that this agreement was made on a voluntary basis and that the parties understood the nature of this full and final settlement of this matter.

In order to implement the above settlement reached between the parties, I issue a monetary order in the landlord's favour in the amount of \$1,175.00. I deliver this Order to the landlord in support of the above agreement for use in the event that the tenant(s) do not abide by the terms of the above settlement. The landlord is provided with this Order in the above terms and the tenant(s) must be served with a copy of this Order as soon as possible after a failure to comply with the terms of the above settlement agreement. Should the tenant(s) fail to comply with this Order, this Order may be filed in the Small Claims Division of the Provincial Court and enforced as Orders of that Court.

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: September 10, 2019

Residential Tenancy Branch