



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes

MNSD FFT

### 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*;
- recovery of the filing fee 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. Landlord K.M. attended and confirmed authorization to act on behalf of both the named landlords.

As both parties were present, service of documents was confirmed. The landlord confirmed receipt of the tenants' Notice of Dispute Resolution Proceeding Package. The landlord confirmed that they did not submit any evidence for this matter.

Based on the undisputed testimonies of the parties, I find that the notice of this hearing was sufficiently served for the purposes of this matter in accordance with the *Act*.

### 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 the issue currently under dispute at this time:

1. The landlord will make payment to the tenant Y.Z. of \$500.00 by cheque to be sent to the address for service noted on the cover sheet of this Decision, no later than November 23, 2019, in full and final satisfaction of the tenants' Application. The parties are directed to keep a record of the completed transaction for their own future reference.
2. Both parties voluntarily agreed to the terms of this settlement as outlined above and agreed that this settlement constitutes a final and binding resolution of the tenants' Application for Dispute Resolution.

The parties are still bound by all of the rights, responsibilities, terms, conditions and any statutory compensation provisions of the tenancy agreement, the *Act*, and the associated regulations.

### Conclusion

The landlord will make payment of \$500.00 to tenant Y.Z. by no later than November 23, 2019.

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 landlords by the tenants ONLY if the landlords fail to pay the tenants per the terms of the settlement agreement. Should the tenants be required to serve this Order on the landlords, 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.

The tenants' application for dispute resolution is dismissed in its entirety.

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: October 10, 2019

---

Residential Tenancy Branch