



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNSD, MNDCT, FFT

### Introduction

This hearing was scheduled to deal with a tenant's application for a Monetary Order for return of a security deposit and rent paid in advance. Both parties appeared or were represented at the hearing and had the opportunity to make relevant submissions and to respond to the submissions of the other party pursuant to the Rules of Procedure.

During the hearing, the parties turned their minds to reaching a full and final settlement agreement. I was able to facilitate an agreement between the parties and I have recorded the terms of their settlement by way of this decision and the order that accompanies it.

### Issue(s) to be Decided

What are the terms of settlement?

### Background and Evidence

During the hearing, the parties mutually agreed upon the following, in full and final satisfaction of any and all claims the parties may have against each other with respect to their tenancy agreement, the rental unit, and any of the landlord's possession in the rental unit.

1. Of the \$19,600.00 the tenants have paid to the landlord as a security deposit and advance rental payments, the landlord shall retain a total of \$2,900.00 as compensation for loss of rent and furniture, and the landlord shall repay the balance of \$16,700.00 to the tenants.

The tenant's legal counsel requested the landlord make payment to his law firm, in trust. The landlord requested the lawyer provide her with the the name and address at which to send payment, by email. I confirmed the landlord's email address as it appears on the Application for Dispute Resolution is correct. The tenant's lawyer stated he will send the landlord an email with the required information. The landlord agreed to provide the lawyer with a confirmation email when she receives the information.

### Analysis

Pursuant to section 63 of the Act, I have the authority to assist parties in reaching a settlement agreement during the hearing and to record the agreement in the form of a decision or order.

I have accepted and recorded the settlement agreement reached by the parties during this hearing and I make the term(s) an Order to be binding upon both parties.

In recognition of the mutual agreement, I provide the tenants with a Monetary Order in the sum of \$16,700.00 to ensure payment is received from the landlord.

Both parties are now precluded from filing any other claim against the other with respect to their tenancy agreement, the rental unit, and any of the landlord's possessions that were in the rental unit.

### Conclusion

The parties reached a full and final settlement agreement during the hearing. In recognition of the settlement agreement, I provide the tenants with a Monetary Order in the sum of \$16,700.00 to ensure payment is made.

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: November 29, 2019

---

Residential Tenancy Branch