



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding WILCO CIVIL INC. and
[tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNDCT

Introduction

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

- a monetary order for compensation pursuant to section 67 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. The corporate landlord was represented by its agent R.M. and counsel M.M.

The landlord confirmed receipt of the tenants' Notice of Dispute Resolution Proceeding Package and evidence, and the tenant confirmed receipt of the landlord's evidence. As such, I find that the documents for this hearing were served in accordance with sections 88 and 89 of the *Act*.

Preliminary Issue – Amendment of Tenants' Application for Dispute Resolution

At the outset of the hearing, the landlord's agent R.M. advised that the legal name of the corporate landlord had changed and therefore it was not correctly provided on the tenants' Application for Dispute Resolution. Pursuant to my authority under section 64(3)(c) of the *Act*, I allowed the tenants to amend their Application to correctly name the corporate landlord, who was the named landlord on their tenancy agreement.

Issue(s) to be Decided

Are the tenants entitled to a monetary order for any statutory compensation pursuant to 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 voluntarily agreed to the following **final and binding settlement of all issues currently under dispute at this time and all claims arising from this tenancy, given that this tenancy has ended:**

1. The landlord will make payment to the tenants of \$5,000.00 by electronic funds transfer by no later than 5:00 p.m. on January 9, 2020. Once the tenants receive payment, they will provide confirmation of receipt to the landlord. Both parties are directed to retain documentary evidence of the completion of the transaction.
2. Both parties agreed that the terms of this settlement as outlined above constitutes a final and binding resolution of the tenants' Application for Dispute Resolution filed on August 26, 2019, all issues currently under dispute at this time, and that no further claims will be made by the landlord or the tenants whatsoever arising from this tenancy.

Conclusion

To give effect to the settlement reached between the parties and as advised to both parties during the hearing, I issue a Monetary Order in the tenants' favour for \$5,000.00 dated January 9, 2020 to be served on the landlord ONLY if the landlord fails to abide by the terms set out in this settlement agreement. Should the landlord 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 landlord only makes a partial payment and not the total amount, this partial payment must be accounted for if the tenants are enforcing the Monetary Order.

Neither party may bring forward any further claims against each other arising from this tenancy.

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: December 09, 2019

Residential Tenancy Branch