



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 tenant's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- return of the security deposit and any statutory compensation pursuant to sections 38 and 67 of the *Act*, and
- recovery of the filing fee for this application 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 in attendance, service of documents was confirmed. The landlords confirmed receipt of the tenant's Notice of Dispute Resolution Proceeding package and evidence. The tenant confirmed receipt of the landlords' evidence. As such, I find that the documents for this hearing were served 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 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 landlords will make payment to the tenant of \$650.67 by cheque by no later than 5:00 p.m. on January 10, 2020. The landlords will mail the cheque to the tenant to her address for service noted on the cover sheet of this Decision. The tenant will confirm receipt of the payment to the landlords' email address noted on the cover sheet of this Decision, once the cheque has cleared. 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 constitute a final and binding resolution of the tenant's Application for Dispute Resolution filed on August 23, 2019, all issues currently under dispute at this time, and that no further claims will be made by the landlords or the tenant 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 tenant's favour for \$650.67 dated January 10, 2020 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 tenant is 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 27, 2019

Residential Tenancy Branch