



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding LOGAN SUITES INCORPORATED and  
[tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MNDCT MNSD FFT

### Introduction

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

- the return of the security deposit pursuant to section 38 of the *Act*;
- a monetary order for compensation for damage or loss under the *Act*, regulation or tenancy agreement, pursuant to section 67 of the *Act*; and
- recovery of the filing fee for this application from the landlord pursuant to section 72 of the *Act*.

Both parties attended the hearing at the date and time set for this hearing. The tenant attended with her daughter T.D. acting as her agent. Agent B.T. attended on behalf of the corporate landlord.

The landlord's agent testified that the landlord was not served with the tenant's Notice of Dispute Resolution Proceeding which provides the codes for the parties to upload their evidence to the dispute website and the codes for the hearing. The landlord's agent testified that they only received the tenant's Application for Dispute Resolution and evidence, which did not provide the file number and therefore they had to contact the Residential Tenancy Branch to be provided with the access codes for the hearing. As the landlord had not been served as required by the Residential Tenancy Branch Rules of Procedure and the *Act*, I provided the parties with an opportunity to discuss their dispute to determine if they may be able to resolve the current issue under dispute through a settlement process rather than an adjournment of the matter to a future hearing date in order to allow for proper service of documents.

Issue(s) to be Decided

Is the tenant entitled to the return of the security deposit? If so, is the tenant entitled to a monetary award for compensation for the landlord's failure to address the security deposit in accordance with the *Act*?

Is the tenant entitled to a monetary award for compensation for damage or loss as a result of the landlord's failure to comply with the *Act*, regulations or tenancy agreement?

Is the tenant entitled to recover the cost of the filing fee?

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 tenant of \$925.00 by cheque sent by Canada Post registered mail, to the tenant's address for service noted on the cover sheet of this Decision, to be received by the tenant by no later than 5:00 p.m. on January 24, 2020. The tenant is directed to contact the landlord to confirm receipt and clearance of the cheque. Both parties are directed to retain documentary evidence of the completion of the transaction for their records.
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 November 15, 2019, all issues currently under dispute at this time, and that no further claims will be made by the landlord 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 to the tenant the attached Monetary Order dated **January 24, 2020** to be served on the landlord by the tenant **only** if the landlord fails to

make the agreed upon payment as required by the terms of 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 be 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 tenant is enforcing the Monetary Order.

The tenant's Application for Dispute Resolution is dismissed in its entirety.

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: January 07, 2020

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Residential Tenancy Branch