



# Dispute Resolution Services

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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:

- a monetary order for the return of the security deposit, pursuant to sections 38 of the *Act*.
- authorization to recover the filing fee for this application from the landlord, pursuant to section 72 of the *Act*.

Both parties VV, DV and CN & DN attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

The landlord confirmed receipt of the tenants' application for dispute resolution and receipt of their evidentiary package after the documents were sent by Canada Post Registered Mail on October 9, 2019. There was some dispute at the commencement of the hearing of the number of documents received. Pursuant to sections 88 & 89 of the *Act* the landlord is found to have been served with the documents.

The tenants confirmed receipt of the landlord's evidentiary package after it was sent to the tenants by way of Canada Post Registered Mail. The tenants are found pursuant to section 88 of the *Act* to have been served with this package in accordance with the *Act*.

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### Issue(s) to be Decided

Are the tenants entitled to a monetary order for the return of their security deposit pursuant to section 38 of the *Act*?

Are the tenants entitled to recover the filing fee pursuant to section 72(1) of the *Act*?

### Background and Evidence

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, engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

All parties agreed to the following final and binding settlement:

1. The landlord agrees to pay the tenants the sum of \$600.00 by electronic transfer as a partial and final payment for the security deposit within 7 days of receipt of this decision.

Landlord and tenants testified that they understood that the above agreement was being made and was binding and enforceable. The parties agree that the tenancy has ended. I verified with the parties on two separate occasions that they understood the terms of this settlement agreement.

Both parties gave verbal sworn affirmation at the hearing that they understood and agreed to the above terms as legal, final and binding, which settle all aspects of this dispute.

In support of this settlement and with the agreement of both parties I grant the tenants a monetary order pursuant to Section 67 in the amount of **\$600.00**.

This order must be served on the landlord. If the landlord fails to comply with this order the tenant may file, the order in the Provincial Court (Small Claims) and be enforced as an order of that Court

### Conclusion

The tenants are provided with this Order in the above terms and the landlord must be served with this Order as soon as possible. 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.

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: February 06, 2020

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Residential Tenancy Branch