



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSDS-DR, FFT

Introduction

This hearing dealt with an Application for Dispute Resolution by Direct Request (the “Application”) that was filed by the Tenants under the *Residential Tenancy Act* (the “Act”), seeking:

- The return of their security deposit or a portion thereof.

This matter proceeded by way of an ex parte Direct Request Proceeding (a non-participatory hearing), pursuant to section 38.1 of the *Act*, and a decision was rendered by an Adjudicator in relation to this matter on May 4, 2020, granting the Tenants’ Application and awarding them monetary compensation in the amount of \$400.00. The Tenants were also provided with a Monetary Order in the amount of \$400.00.

On May 13, 2020, the Landlord applied for a review consideration of the decision dated May 4, 2020, and on May 28, 2020, an Arbitrator rendered a decision granting the Landlord’s Application, suspending the decision and orders dated May 4, 2020, and ordering that a new participatory hearing be held.

The review hearing was subsequently convened before me by telephone conference call on July 3, 2020, at 9:30 A.M. (Pacific Time) and was attended by the Tenants, the Landlord, and an agent for the Landlord (the “Agent”), all of whom provided affirmed testimony. The Tenants acknowledged receipt of the Notice of Hearing, a copy of the review consideration decision, and all evidence supplied with the review consideration application from the Landlord. The Landlord also acknowledged being served with the Tenants’ documentary evidence and a copy of the original Application and decision. As a result, I have accepted the documentary evidence before me from both parties for consideration in this matter. The parties were provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions at the hearing.

At the request of the Tenants, copies of the decision and any orders issued in their favor will be emailed to them at the email addresses provided in the Application. At the

request of the Landlord, a copy of the decision will be mailed to them at the mailing address listed for them in the Application

Settlement

The opportunity for settlement was discussed with the parties during the hearing. The parties were advised on several occasions during the hearing that there is no obligation to resolve the dispute through settlement, but that pursuant to section 63 of the *Act*, I could assist the parties to reach an agreement, which would be documented in my Decision and supporting order.

During the hearing, the parties mutually agreed to settle this matter as follows:

1. The Parties agree that the Tenants are entitled to \$300.00 for the return of the remaining balance of their security deposit and recovery of the \$100.00 filing fee.
2. The parties agree that this constitutes full and final settlement of all matters relating to the security deposit for this tenancy.
3. The Parties understand that this settlement agreement does not prevent either party from filing future Applications with the Residential Tenancy Branch in relation to this tenancy, provided the Applications do not relate to the security deposit.

This settlement agreement was reached in accordance with section 63 of the *Act*.

Conclusion

I therefore set aside the original decision and orders of the Adjudicator dated May 4, 2020, and I order the parties to comply with the terms of their mutually settled agreement described above.

In support of the settlement described above, and with the agreement of the parties, I grant the Tenants a Monetary Order in the amount of \$300.00. 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: July 3, 2020

Residential Tenancy Branch