



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNDCT, FFT

Introduction

In this dispute, the tenants sought compensation against their former landlord pursuant to sections 51 and 67 of the *Residential Tenancy Act* (the “Act”) and recovery of the filing fee under section 72 of the Act.

On December 29, 2019, the tenants filed for dispute resolution and an arbitration hearing was held, by way of teleconference, on May 28, 2020. This hearing was then adjourned for the purposes of exchanging evidence and reconvened on August 6, 2020. The tenants, the landlord, and the landlord’s son (who acted as translator) attended the hearing, and they were given a full opportunity to be heard, to present testimony, to make submissions, and to call witnesses. No issues of service were raised by the parties at the second hearing.

Settlement Agreement

After both parties had provided fulsome and detailed testimony, the opportunity for settlement was discussed with the parties. (The option of settlement arose briefly at the start of the hearing, but both parties preferred to proceed with their testimony, and to revisit the possibility of settlement at the end of the hearing.)

The parties were informed that while there was no obligation to resolve the dispute through settlement, I could assist the parties in reaching an agreement if they were desirous of such an approach.

Section 63 of the Act permits me to assist the parties or offer the parties an opportunity to settle their dispute. If the parties settle their dispute during the hearing, I record the settlement in the form of a decision or an order.

The terms of the settlement are as follows:

- I. The tenants agreed to settle the claim in exchange for a payment of \$2,000.00 from the landlord, which the landlord accepted.
- II. The landlord asked that they be given up to two (2) months to pay this amount, to which the tenants agreed.

As such, this dispute is now settled as outlined above and no further claims may be made by either party in respect of the tenancy.

Finally, as the outcome was achieved through negotiation, I decline to award recovery of the filing fee to the applicants.

In support of this settlement agreement, I grant the tenants a monetary order (which is issued in conjunction with this decision), and which may be enforced in the Provincial Court of British Columbia, should it be necessary. However, given the forthright, honest, and level-headed conduct of the parties, this will likely be unnecessary.

This decision is made on authority delegated to me under section 9.1(1) of the Act.

Dated: August 6, 2020

Residential Tenancy Branch