



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDL-S, MNRL-S, FFL  
                              MNSDS-DR, FFT

### Introduction

This hearing dealt with an Application for Dispute Resolution that was filed by the Landlord (the Landlord's Application) under the Residential Tenancy Act (the Act), on November 16, 2020, seeking:

- Compensation for damage caused by the tenants, their guests or their pets to the rental unit, site or property;
- Recovery of unpaid rent and utilities;
- Recovery of the filing fee; and
- Authorization to withhold the security deposit towards amounts owed.

This hearing also dealt with a Cross-Application for Dispute Resolution that was filed by the Tenant's (the Tenants' Application) under the Act, on March 1, 2021, seeking:

- The return of the security deposit; and
- Recovery of the filing fee.

The hearing was originally convened by telephone conference call on March 9, 2021, at 1:30 PM and was ultimately adjourned and reconvened at 1:30 PM on June 10, 2021. An interim decision was rendered on March 10, 2021, and copies of that interim decision were sent to the parties by the Residential Tenancy Branch (the Branch), on March 12, 2021, in the manner requested by them at the original hearing. For the sake of brevity, I will not repeat here all of the matters covered, findings or fact, or orders made in the interim decision. As a result, the interim decision must be read in conjunction with this decision.

The reconvened hearing scheduled for June 10, 2021, at 1:30 PM was convened by telephone conference call and was attended by three agents for the Landlord (the Agents), the Property Manager K.O., the caretaker C.V. and an agent for the Landlord P.L., as well as the Tenants N.S. and A.S., three occupants of the rental unit S.S., L.K., and S.B., and R.D., who is Legal Counsel for N.S. and S.S. All testimony provided was affirmed.

### Preliminary Matters

Although S.S. is named as an Applicant in the Tenant's Application, I previously found in the interim decision that S.S. was an occupant of the rental unit, rather than a tenant, and as a result, had no obligations under the Act or the tenancy agreement. As a result, the Tenant's Application has been amended to remove S.S. as an Applicant.

### 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(s).

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

1. The parties agree that the Tenants owe \$8,375.00 to the Landlord.
2. The parties agree that the Landlord is entitled to retain the \$875.00 security deposit currently held in trust by them, in partial repayment of this amount.
3. The Tenants agree to pay the remaining balance owed, \$7,500.00, in full, not later than 4:00 PM on Friday July 9, 2021.
4. The parties agree that this settlement agreement constitutes full and final settlement of all matters between them in relation to the tenancy.

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

### Conclusion

I order the parties to comply with the terms of their mutually settled agreement described above.

In support of the settlement agreement described above, and with the agreement of the parties, I grant the Landlord a Monetary Order in the amount of \$7,500.00. Should the Tenants fail to comply with the payment arrangements set out in this settlement agreement, the Landlord may serve this Monetary Order on the Tenants and file it in the British Columbia Small Claims Court, where it will be enforced as an order of that Court.

This decision is made on authority delegated to me by the Director of the Branch under Section 9.1(1) of the Act.

Dated: June 10, 2021

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Residential Tenancy Branch