



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

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

### Introduction

This hearing was convened in response to an application by the Tenant and an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”).

The Landlord applied on January 29, 2021 for:

1. A Monetary Order for damages to the unit - Section 67
2. An Order to retain the security deposit - Section 38; and
3. An Order to recover the filing fee for this application - Section 72.

The Tenant applied on February 18, 2021 for:

1. An Order for the return of the security deposit - Section 38’ and
2. An Order to recover the filing fee for this application - Section 72.

The Parties were each given full opportunity under oath to be heard, to present evidence and to make submissions. During the hearing the Parties reached a settlement agreement as set out below. The Parties confirmed at the end of the hearing that this agreement was made on a voluntary basis and that they understood the nature of the full and final settlement of these matters.

### Agreed Facts

The tenancy started on April 1, 2017 and ended on December 31, 2021. At the outset of the tenancy the Landlord collected \$1,250.00 as a security deposit. Rent of \$2,600.00 was payable on the 31<sup>st</sup> day of each month. The Parties mutually conducted a move-in inspection with a completed inspection report copied to the Tenant. The

Landlord made no offers to conduct a move-out inspection and did not complete a move-out inspection report. On January 22, 2021 the Landlord received the Tenants' forwarding address. In March 2021 the Landlord returned \$600.00 of the security deposit and kept the remaining \$650.00.

### Settlement Agreement

**The Parties mutually agree as follows:**

- 1. The Landlord will pay the Tenants \$1,900.00;**
- 2. The Landlord withdraws the claims in their application;**
- 3. The Landlord and Tenants have no claims against each other and will not in the future make any claims against each other in relation to the tenancy; and**
- 4. These terms comprise the full and final settlement of all aspects of this dispute for both Parties.**

Section 63(1) of the Act provides that if the parties settle their dispute during dispute resolution proceedings, the director may record the settlement in the form of a decision or order. Given the mutual agreement reached during the hearing, I find that the Parties have settled their dispute as recorded above. To give effect to the agreement I grant the Tenants a monetary order for \$1,900.00.

### Conclusion

The Parties have settled their disputes.

I grant the Tenants an order under Section 67 of the Act for **\$1,900.00**. If necessary, this order may be filed in the Small Claims 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 Act.

Dated: July 06, 2021

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Residential Tenancy Branch