



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDL -S

Introduction

This hearing was scheduled to deal with a landlord's application for a Monetary Order for damage to the rental unit and authorization to retain the tenant's security deposit.

Both the landlord and the tenant appeared for the hearing. The parties were affirmed and the parties were ordered to not record the proceeding.

At the outset of the hearing, I explored service of hearing materials. The landlord testified that he sent the proceeding package and evidence to the tenant via registered mail. The tenant acknowledged receiving the proceeding package via registered mail but testified he did not receive any evidence from the landlord. The tenant read aloud a description of the documents he received in the registered mail package. Upon further probing, the landlord stated that he believed he had included his evidence in the package sent to the tenant.

I informed the parties I was unsatisfied the landlord's evidence was included in the registered mail package sent to the tenant and I explored options with the parties. Both parties indicated a willingness to resolve their dispute at this time by way of a settlement agreement.

It was also brought to my attention that the tenant is already in receipt of a Monetary Order for return of double the security deposit plus recovery of the filing fee in the sum of \$1750.00 (file number referenced on cover page of this decision) and a lien/judgement has been registered against the landlord's property in an effort to enforce the Monetary Order.

During the remainder of the hearing, the parties reached a settlement agreement that I have recorded by way of this decision.

Issue(s) to be Decided

What are the terms of settlement?

Background and Evidence

During the hearing, the parties mutually agreed to the following terms, in full and final satisfaction of any and all disputes pertaining to this tenancy:

1. The landlord shall pay to the tenant the sum of \$500.00 immediately after receiving a copy of this decision in full satisfaction of the Monetary Order previously issued to the tenant and the landlord shall not pursue his claims against the tenant.
2. Immediately after receiving payment as described above, the tenant shall commence and pursue all necessary steps to remove the lien/judgement that was registered against the landlord's property to enforce the Monetary Order previously issued to the tenant.
3. The tenant shall provide documentation to the landlord to demonstrate actions being taken to remove the lien/judgement registered against the landlord's property.

Analysis

Pursuant to section 63 of the Act, I have the authority to assist parties in reaching a settlement agreement during the hearing and to record the agreement in the form of a decision or order.

I have accepted and recorded the settlement agreement reached by the parties during this hearing and I make the term(s) an Order to be binding upon both parties.

Conclusion

The parties reached a full and final settlement agreement during the hearing that I have recorded by way of this decision and ordered to be binding upon the parties.

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: August 17, 2021

Residential Tenancy Branch