



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND MNSD FF

Introduction

This hearing was convened as a result of the Landlord's Application for Dispute Resolution. A participatory hearing was held on January 6, 2022. The Landlord applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- a monetary order for damage to the rental unit;
- authorization to retain the security and pet deposit to offset the amount owed; and,
- to recover the filing fee from the tenant for the cost of this application.

The Landlord and the Tenants both attended the hearing and provided affirmed testimony.

Settlement Agreement

During the hearing, the Landlord agreed to withdraw her application in full in pursuit of the settlement agreement listed below. The Tenant also agreed to the following terms as full and final settlement of all damage and compensation related to the tenancy at the rental unit, and how to manage the deposits held by the Landlord.

Pursuant to section 63 of the *Act*, the Arbitrator may assist the parties to settle their dispute and if the parties settle their dispute during the dispute resolution proceedings, the settlement may be recorded in the form of a decision or an order.

Given the agreement reached between the parties during the proceedings, I find that the parties have settled their dispute and the following records this settlement as a decision:

- The landlord currently holds \$860.00 of the initial \$3,800.00 security and pet deposit.
- The parties agree that the Tenant will pay the Landlord half of the claim sought today, amounting to \$430.00.
- After deducting the \$430.00, which the Tenants agreed to pay for, from the remaining deposits, a security/pet deposit balance of \$430.00 remains in the Landlord's possession. Both parties agree that the Landlord will return the remaining balance of the security/pet deposit, forthwith.
- Both parties agree that all monetary issues between the parties with respect to the tenancy are settled in full.

The parties confirmed at the end of the hearing that this agreement was made on a voluntary basis and that the parties understood the nature of this full and final settlement of this matter.

Conclusion

The Landlord's application is withdrawn, in full, in pursuit of this settlement agreement.

The Tenants are granted a monetary order pursuant to Section 67 in the amount of **\$430.00**. This order must be served on the Landlord. If the Landlord fail to comply with this order the Tenants may file the order in the Provincial Court (Small Claims) and be 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: January 06, 2022

Residential Tenancy Branch