



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW HEARING DECISION

Dispute Codes MNRL, MNDL, MNDCL, FFL, MNSDB-DR, FFT

Introduction

This review hearing was order pursuant to a decision issued on November 15, 2021 by an Arbitrator in response to a tenant's Application for Review Consideration. The original decision and order were issued on November 5, 2021 and reflected a total award to the landlord in the sum of \$2780.83 and after offsetting the tenants' security and pet damage deposit, the landlord was provided a Monetary Order in the net amount of \$480.83.

The landlord and one of the co-tenants appeared for the review hearing and were affirmed.

I informed the parties that this was a review hearing and I am tasked with confirming, varying, or setting aside the original decision and order of November 5, 2021 following the review hearing.

I explored service of the Notice of Dispute Resolution Proceeding for this review hearing and a copy of the Review Consideration decision upon the landlord, as the tenants were required to do. The tenant acknowledged they did not serve the landlord, explaining they did not realize they had to serve the landlord. The landlord confirmed the tenants did not serve her. Rather, the landlord received a copy of the Review Consideration Decision from the Residential Tenancy Branch and she waited to be served by the tenants, but she never was. The landlord received a hearing reminder notification by way of an automated email so she telephoned the Residential Tenancy Branch and was provided with the teleconference call information orally by an Information Officer just yesterday.

Both parties made arguments with respect to the tenant's failure to serve the review hearing notification documents upon the landlord and I explored options with the parties, including the opportunity to explore settlement. The parties were agreeable to having a settlement discussion with a view to bringing final resolution their dispute(s). I was able to facilitate a settlement agreement between the parties and I have recorded their agreement by way of this decision.

Issue(s) to be Decided

1. What are the terms of settlement?
2. Is the original decision and Monetary Order of November 5, 2021 confirmed, varied or set aside?

Background and Evidence

During the hearing, the parties mutually agreed upon the following terms in full and final settlement of any and all claims the parties may have against each other:

1. The landlord shall be compensated a total of \$2300.00 by the tenants.
2. The landlord is holding a security deposit and pet damage deposit totalling \$2300.00 and the landlord shall retain the tenants' security deposit and pet damage in full satisfaction of the amount payable to the landlord.
3. The Monetary Order issued on November 5, 2021 is null and void and the landlord shall not enforce it.
4. This agreement reflects a full and final settlement agreement. Both parties are now precluded from making any further claim or application against the other with respect to the subject tenancy.

Analysis

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

I have accepted and recorded the terms of the settlement agreement and I make the terms an order of mine to be binding upon both parties.

In recognition of the settlement agreement, I vary the original decision of November 5, 2021 to reflect compensation payable to the landlord in the sum of \$2300.00. I also set

aside the Monetary Order issued on November 5, 2021 so that it is no longer enforceable.

Conclusion

The parties reached a full and final settlement agreement during this review hearing. In recognition of their settlement agreement, the original decision of November 5, 2021 is varied and the Monetary Order of November 5, 2021 is set aside and is no longer enforceable.

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: February 17, 2022

Residential Tenancy Branch