



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

For the tenant: MNSD

For the landlord: MNDCL-S, MNRL-S, MNDL-S, FFL

Introduction

This hearing dealt with a cross application. The tenant's application pursuant to the Residential Tenancy Act (the Act) is for an order for the landlord to return the security and pet damage deposits (the deposits), pursuant to section 38.

The landlord's application pursuant to the Act is for:

- a monetary order for unpaid rent, pursuant to section 26;
- a monetary order for loss under the Act, the regulation or tenancy agreement, pursuant to section 67;
- an authorization to retain the deposits, under section 38; and
- an authorization to recover the filing fee for this application, under section 72.

The hearing on February 08 was adjourned to April 28, 2022 so that both applications could be heard at the same time. Both parties attended both hearings. Witness for the landlord KK attended the hearing on April 28, 2022.

At the outset of the hearings the attending parties affirmed they understand it is prohibited to record this hearing.

Per section 95(3) of the Act, the parties may be fined up to \$5,000.00 if they record this hearing: "A person who contravenes or fails to comply with a decision or an order made by the director commits an offence and is liable on conviction to a fine of not more than \$5,000.00."

Settlement

Pursuant to section 63 of the Act, an 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. During the hearing the parties discussed the issues between them, engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

Both parties agreed to the following final and binding settlement of all issues between them relating to the tenancy:

1. The landlord is authorized to retain the security and pet damage deposits.
2. The tenant will pay the landlord the total amount of \$4,000.00 for all the claims the landlord has made.
3. The tenant will make payments of \$300.00 due on the first and fifteenth day of the month. The first payment is due on May 01, 2022.
4. The final payment will be \$100.00.
5. The tenant will make the payments by electronic transfer to the landlord's email address recorded on to cover page of this decision.

Conclusion

As the parties have reached a settlement, I make no factual findings about the merits of these applications.

To give effect to the settlement reached between the parties and as discussed with them during the hearing, pursuant to section 63(2) of the Act, I grant the landlord a monetary order in the amount of \$4,000.00. The monetary order may be served if the tenant defaults on the payments. If the tenants fail to comply with the order the landlord may file the order in the Provincial Court (Small Claims) to 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: April 28, 2022

Residential Tenancy Branch