



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **FFT, RR, MNDCT, CNR, OLC, RP, LRE**

MNR-DR, OPR-DR, FFL

Introduction

This hearing dealt with an application by the tenant under the *Residential Tenancy Act* (the *Act*) for the following:

- An order to reduce the rent for repairs, services or facilities agreed upon but not provided pursuant to section 65;
- A monetary order for compensation for damage or loss under the *Act*, *Residential Tenancy Regulation* ("*Regulation*") or tenancy agreement pursuant to section 67 of the *Act*;
- Cancellation of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities ("Ten Day Notice") pursuant to section 46;
- An order requiring the landlord to comply with the *Act* pursuant to section 62;
- An order requiring the landlord to carry out repairs pursuant to section 32;
- An order to restrict or suspend the landlord's right of entry pursuant to section 70;

- An order requiring the landlord to reimburse the tenant for the filing fee pursuant to section 72.

This hearing also dealt with an application by the landlord under the *Residential Tenancy Act* (the *Act*) for the following:

- A monetary order for unpaid rent and for compensation for damage or loss under the *Act*, *Residential Tenancy Regulation* ("*Regulation*") or tenancy agreement pursuant to section 67 of the *Act*;
- An order for possession under a 10-Day Notice to End Tenancy for Unpaid Rent ("Ten-Day Notice ") pursuant to sections 46 and 55;
- Authorization to recover the filing fee for this application pursuant to section 72.

Both parties attended. The hearing process was explained, and each party had the opportunity to ask questions. The hearing lasted 41 minutes. There were no issues raised regarding service.

Both parties had an opportunity to be heard, to present their affirmed testimony and to make submissions.

Each party confirmed they were not recording the hearing.

Each party provided their address to which the Decision shall be sent.

Settlement

I explained the hearing and settlement processes, and the potential outcomes and consequences, to both parties. Both parties had an opportunity to ask questions, which I answered. Neither party made any adjournment or accommodation requests. I informed both parties that I could not provide legal advice to them. I notified them that they could hire lawyers to obtain legal advice.

Before the conclusion of this hearing, the parties discussed the issues between them, engaged in a conversation, turned their minds to compromise, and achieved a resolution of their dispute.

Pursuant to section 63 of the *Act*, the Arbitrator may assist the parties to settle their dispute and if the parties do so during the dispute resolution proceedings, the settlement may be recorded in the form of a Decision or an Order. This settlement agreement was reached in accordance with section 63.

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 parties agreed as follows:

- 1) The parties acknowledged that the landlord is authorized to retain the security deposit in the amount of \$1,350.00.
- 2) The tenant shall pay to the landlord the sum of \$1,600.00 by e-transfer to be received by the landlord by 5:00 PM on October 4, 2022.
- 3) This agreement is full and final settlement of both these claims as well as the landlord's additional claim under the file number referenced on the first page. The parties shall request the RTB to cancel the landlord's Application for Dispute Resolution with respect to the additional claim.

To give effect to this settlement agreement, I grant the landlord a Monetary Order in the amount of \$1,600.00.

The parties fully discussed this settlement. Each party stated they understood and agreed with the terms.

Either party may apply for such further relief as may be necessary to give effect to this agreement.

Based on the above, I find that all matters between these parties raised in this application are resolved pursuant to the above agreed terms.

Conclusion

The application is settled on the above terms.

Pursuant to the terms of the settlement, I grant a Monetary Order of \$1,600.00 to the landlord.

This Order must be served on the tenant. This Order may be filed in the Courts of the Province of British Columbia 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 *Residential Tenancy Act*.

Dated: September 20, 2022

Residential Tenancy Branch