



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

RECORD OF SETTLEMENT

Dispute Codes MNDCL – S, FFL

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* ("Act") for:

- a monetary order for money owed or compensation for damage or loss under the *Act*, *Residential Tenancy Regulation* ("*Regulation*") or tenancy agreement, pursuant to section 67;
- authorization to retain the tenant's security deposit in partial satisfaction of the monetary order requested, pursuant to section 38; and
- an order authorizing the landlord the recovery of the filing fee for this application from the tenant pursuant to section 72.

Both parties participated in the teleconference. Both parties were given an opportunity to provide submissions.

Preliminary Issue – Fence

At the outset of the hearing the landlord advised that he had not conducted the repairs to the fence. I find that the landlord was premature in filing for compensation for that item, accordingly; I dismiss that portion of his application with leave to reapply.

Settlement

Section 63 of the *Residential Tenancy Act* provides that the parties may attempt to settle their dispute during a hearing. Pursuant to this provision, discussion between the parties during the hearing led to a resolution. Specifically, it was agreed as follows;

The landlord presently holds a \$750.00 security deposit and a \$500.00 pet deposit for a total of \$1250.00 plus accrued interest of \$33.65 since the beginning of the tenancy in May 2007.

1. Both parties agreed that the tenants are to pay the landlord for the following items ; \$110.00 for laminate damage, \$65.00 for the lawn maintenance, \$150.00 for resetting the alarm code and \$100.00 for the recovery of the filing fee for this application for a total of \$425.00 owing to the landlord; and
2. The landlord is entitled to retain the \$425.00 from the deposits and that the landlord is to return the remaining \$858.65 to the tenants.

Pursuant to this agreement the tenants will be given a monetary order to reflect condition #2 of this agreement. Should it be necessary, this order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

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 for the items listed in term #1.

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 31, 2023

Residential Tenancy Branch