



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNETC, FF

Introduction

This hearing dealt with an application by the tenant for a monetary order for compensation for loss under the *Act* and for the filing fee. Both parties attended the hearing and were given full opportunity to present evidence and make submissions. The landlord stated that she had received the tenant's evidence and had not filed any of her own.

Issues to be Decided

Is the tenant entitled to compensation and to the recovery of the filing fee?

Background and Evidence

On June 08, 2022, the landlord purchased and gained possession of the rental property. The landlord's mother had agreed to move into the basement of the house, on September 01, 2022, to assist the landlord with child care. The tenant was in occupation of the property since April 01, 2013. On June 30, 2022, the landlord gave the tenant a notice to end tenancy for landlord's use of property, with an effective date of August 31, 2022.

On August 02, 2022, the landlord found out from her mother that she would not be moving in. The landlord informed the tenant and offered the tenant to continue with the tenancy. The tenant replied that she had already put down a deposit on a rental unit and confirmed that she would be moving out. The tenant moved out on September 01, 2022. The landlord found another tenant for September 01, 2022.

The tenant's claim for compensation was discussed at length and during this discussion, the parties turned their minds to compromise and achieved a resolution of their dispute.

Analysis

Pursuant to Section 63 of the *Residential Tenancy Act*, the Arbitrator may assist the parties settle their dispute and if the parties settle their dispute during the hearing, the settlement may be recorded in the form of a decision or an order. During this hearing, the parties reached an agreement to settle these matters, on the following conditions:

1. The tenant agreed to accept \$10,000.00 in full and final settlement of all claims against the landlord. A monetary order will be issued to the tenant for this amount.
2. The landlord agreed to pay the tenant \$10,000.00 by March 31, 2023, in full and final settlement of all claims against the tenant
3. Both parties stated that they understood and agreed to the above terms of this agreement which comprise full and final settlement of all aspects of this dispute for both parties.

Pursuant to the above agreement, I grant the tenant a monetary order under section 67 of the *Residential Tenancy Act* for the amount of **\$10,000.00**. This order may be filed in the Small Claims Court and enforced as an order of that Court.

As this dispute was resolved by mutual agreement and not based on the merits of the case, I decline the tenant's request to recover the filing fee paid for this application.

Conclusion

I grant the tenant a monetary order in the amount of \$10,000.00.

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 21, 2023

Residential Tenancy Branch