



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding SHAPE LIVING CORP.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes **MNRL-S, MNDL-S, MNDCL-S, FFL**

Introduction

This hearing dealt with the Landlord's Application for Dispute Resolution, made on March 11, 2022 (the "Application"). The Landlord applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- a monetary order for unpaid rent;
- a monetary order for damage, compensation, or loss;
- an order to retain the security deposit; and
- an order granting recovery of the filing fee.

Preliminary Matters

The parties had a dispute resolution hearing scheduled on November 8, 2022 which was adjourned to March 6, 2023. The Tenant attended the reconvened hearing; however, no one appeared for the Landlord. In the decision dated March 6, 2023, the Arbitrator dismissed the Landlord's Application and awarded the Tenant a monetary order for the return of their security deposit. The Landlord applied for a review consideration on March 15, 2023 and was granted a new hearing based on the fact that the Landlord was unable to attend the original hearing for reasons outside of their control. The Landlord's Agent and the Tenant attended the review hearing at the appointed date and time.

Settlement Agreement

The opportunity for settlement was discussed with the parties during the hearing. The parties were advised there is no obligation to resolve the dispute through settlement, but that I could assist the parties to reach an agreement. I indicated on several occasions that if either party did not wish to resolve this matter through a mutually agreed

settlement, I was prepared to hear their evidence and make a decision. During the hearing, the parties agreed to settle this matter, on the following conditions:

1. The parties agree that the Landlord is permitted to retain the Tenant's security deposit in the amount of \$1,010.00.
2. The parties agree that the Landlord is awarded a monetary order in the amount of \$3,205.00.
3. The Landlord withdraws this application in full as part of this mutually settled agreement.

This settlement agreement was reached in accordance with section 63 of the *Act*.

During the settlement discussions, the parties discussed a payment plan. The parties are encouraged to keep a detailed record of the payments made towards the balance owed.

Conclusion

I order the parties to comply with the terms of their mutually settled agreement described above. The mutually settled agreement replaces the original decision and orders dated March 6, 2023.

The Landlord is granted a monetary order in the amount of \$3,205.00. The monetary order may be filed in and enforced as an order of the Provincial Court of British Columbia (Small Claims).

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 13, 2023

Residential Tenancy Branch