



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes MNDCT, MNSD, FFT / MNRL-S, MNDL-S, MNDCL-S, FFL

Introduction

The hearing was convened following applications for dispute resolution (Applications) from both parties under the *Residential Tenancy Act* (the Act), which were crossed to be heard simultaneously.

The Tenants seek the following:

- Compensation for monetary loss or other money owed under section 67 of the Act;
- An order for the Landlord to return the security deposit under section 38 of the Act; and
- To recover the cost of the filing fee under section 72 of the Act.

The Landlord seeks the following:

- A Monetary Order for unpaid rent under to section 26 of the Act;
- A Monetary Order for damage to the rental unit under section 67 of the Act;
- Compensation for monetary loss or other money owed under section 67 of the Act;
- Authorization to retain all or a portion of the security deposit under section 38 of the Act; and
- To recover the cost of the filing fee under section 72 of the Act.

As both parties were present, service was confirmed at the hearing. The parties each confirmed receipt of the Notice of Dispute Resolution Package (the Materials) and evidence. Based on their testimonies I find that each party was served with these Materials as required under sections 88 and 89 of the Act.

Settlement Agreement

Per section 63 of the Act, an arbitrator may assist the parties to settle their dispute. 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 were able to reach a compromise and achieved a resolution of their dispute on mutually agreed terms.

Both parties agreed to the following final and binding settlement of all issues listed in both Applications:

- The Landlord is authorized to retain the Tenants' security deposit of \$800.00.
- The Landlord is authorized to retain the full amount of rent paid by the Tenants for the month of November 2022 in the amount of \$1,650.00.
- The Tenants will pay to the Landlord the sum of \$300.00.
- Both parties agreed that this settlement agreement constituted a final and binding resolution of both the Tenants' and the Landlord's 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 issue a Monetary Order for \$300.00 to the Landlord.

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

As I am not deciding on the matters before me, I dismiss without leave to reapply both parties' request to recover the filing fee for their respective Applications.

Conclusion

The parties agreed to settlement on final and binding terms.

The Landlord is issued a Monetary Order for \$300.00. A copy of the Monetary Order is attached to this Decision and must be served on the Tenants. It is the Landlord's obligation to serve the Monetary Order on the Tenants. The Monetary Order is enforceable in the Provincial Court of British Columbia (Small Claims 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 Act.

Dated: September 05, 2023

Residential Tenancy Branch