

DECISION

Introduction

This hearing dealt with cross applications including:

The landlord's May 15, 2023, Application for Dispute Resolution under the *Residential Tenancy Act* (the "Act") for:

- a Monetary Order for damage to the rental unit or common areas under sections 32 and 67 of the Act
- authorization to retain all or a portion of the tenant's security deposit in partial satisfaction of the Monetary Order requested under section 38 of the Act
- authorization to recover the filing fee for this application from the tenant under section 72 of the Act

This hearing dealt with the tenant's November 6, 2023, Application for Dispute Resolution under the *Residential Tenancy Act* (the "Act") for:

- a Monetary Order for compensation for damage or loss under the Act, regulation or tenancy agreement under section 67 of the Act
- a Monetary Order for the return of all or a portion of their security deposit and/or pet damage deposit under sections 38 and 67 of the Act
- a Monetary Order for compensation for the landlord failing to accomplish the stated purpose on a notice to end tenancy under section 51 or 51.4 of the Act

The Hearing was originally convened on December 4, 2023, but was adjourned to allow for Service of evidence and Notice of respective claims. The parties indicated their intention to settle their dispute during the January 9, 2024, hearing.

Analysis

Under section 63 of the Act, the 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 this hearing, the parties reached an agreement to settle their dispute.

Both parties agreed to the following terms of a final and binding resolution of their respective applications and the issues in dispute arising out of this tenancy at this time and did so of their own free volition and without any element of coercion:

1. The Landlord will pay to the Tenant \$700.00 by Etransfer to lavenderhills@live.com on or before end of day January 9, 2024
2. Both parties agreed that these particulars comprise the full settlement of their respective applications for dispute resolution.

Conclusion

To give effect to the above settlement reached between the parties, I grant a Monetary Order in the Tenant's favour in the amount of \$700.00. The Tenant must serve the Landlord with a copy of this Order as soon as possible if payment is not received by January 9, 2024, as agreed.

Should the Landlord fail to comply with this Order, it may be filed in the Small Claims Division of the Provincial Court 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 Act.

Dated: January 9, 2024

Residential Tenancy Branch