



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

Decision

Introduction

This hearing was re-convened pursuant to my April 8, 2024, Interim Decision. This decision must be read in conjunction with my Interim Decision, dated April 8, 2024.

Both hearings were convened under the *Residential Tenancy Act* (The **Act**) in response to the Tenants' two applications, filed on February 3, 2024, and on February 12, 2024. The Tenants seek:

- Cancellation of the Landlords' two-month notices to end tenancy for Landlords' use of the rental units.
- Authorization to recover their filing fees from the Landlords.

During the reconvened hearing, the parties indicated their intention to settle their disputes.

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 the Tenants' applications and the issues in dispute arising out of this tenancy and that they did so of their own free volition and without any element of coercion:

1. In full settlement of both applications filed by the Tenants, the parties agree that both tenancies (for both the East Basement and the West Basement) ended by mutual agreement on April 21, 2024.
2. By no later than **4:00 PM on May 9, 2024**, the Landlords will return the Tenants' security deposits in relation to both tenancies, in the amounts of \$450.00 and \$600.00, plus interest in the amounts of \$12.71 (calculated on the \$450.00 deposit, from August 1, 2015, to April 25, 2024) and \$16.95 (calculated on the \$600.00 deposit, from September 1, 2019, to April 25, 2024), in the aggregate amount of **\$1,079.66, by Interac e-Transfer sent to SD's email.**

3. Both parties agree not to file any further applications with the Residential Tenancy Branch, in relation to either the East Basement tenancy or the West Basement Tenancy at any time (for clarity, the Tenants agree that this tenancy has ended by mutual agreement, and they cannot bring an application in accordance with section 51 of the *Act* for additional compensation).
4. The Landlords agree to withdraw their April 24, 2024, Residential Tenancy Branch application with the file number ending in the three digits 391 and to refrain from seeking compensation for damages to either the West Basement or East Basement units from the Tenants.
5. To give effect to the parties' settlement agreement, the Arbitrator will provide to the Tenants a Monetary Order in the amount of \$1,079.66, to be enforced only if the Landlords do not abide by clause "2." of this agreement.
6. Both parties agreed that these particulars comprise the full settlement of all aspects of the Tenants' current applications for dispute resolution.

As the parties agreed to settle their disputes during the hearing, no filing fees will be returned.

Conclusion

To give effect to the settlement reached between the parties, and as discussed at the hearing, I grant the Tenants a Monetary Order in the amount of \$1,079.66, to be enforced only if the Landlords do not abide by clause "2." of the parties' agreement. The attached Monetary Order must be served to the Landlords as soon as possible.

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: April 25, 2024

Residential Tenancy Branch