

DECISION

Introduction

This hearing dealt with the Landlord's Application for Dispute Resolution under the *Residential Tenancy Act* (the Act) for:

- a Monetary Order for unpaid rent under section 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 also dealt with the Tenant's Application for Dispute Resolution under the *Residential Tenancy Act* (the Act) for:

- a Monetary Order for the return of all or a portion of their security deposit under sections 38 and 67 of the Act

DM and JG attended the hearing for the Landlord.

Tenant JB along with legal counsel CF and witnesses JR and DS attended the hearing for the Tenant.

During the hearing the parties indicated their intention to settle their dispute.

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 Landlord's application and the issues in dispute arising out of this tenancy at this time and that they did so of their own free volition and without any element of coercion:

1. The Tenant agreed to pay compensation in the amount of \$2,921.29, representing a pro-rated amount of rent for December 2024 to the Landlord.

2. Both parties agreed that the Landlord shall retain a portion of the security deposit of the Tenant as payment of the agreed-upon compensation and return the balance, together with statutory interest to the Tenant.
3. Both parties agreed that these particulars comprise the full settlement of all aspects of both the Landlord's and Tenant's current applications for dispute resolution.

I have calculated the interest on the deposits in accordance with the Regulations to be \$20.20.

Conclusion

In order 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 \$98.91. The Tenant is provided with this Order and the Landlord must be served with a copy of this Order as soon as possible. Should the Landlord fail to comply with this Order, this Order may be filed and enforced 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: March 7, 2025

Residential Tenancy Branch