



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNR, MNSD, FF (Landlord's Application)
DRI, MNSD, MNDC, OLC, RPP (Tenants' Application)

Introduction

This hearing took place in response to an Application for Dispute Resolution (the "Application") made by both the Landlord and the Tenants. Both Applications were scheduled to be heard together in this hearing.

The Landlord applied for a Monetary Order for: unpaid rent; damage to the rental unit; to keep the Tenants' security deposit; and to recover the filing fee.

The Tenants applied to dispute an additional rent increase and a Monetary Order for: the return of their security deposit, and for money owed or compensation for damage or loss under the *Residential Tenancy Act* (the "Act"), regulation or tenancy agreement. The Tenants also applied for the Landlord to comply with the Act and for the return of their personal property.

The Tenants appeared for the 10 minute hearing and provided affirmed testimony in the absence of the Landlord. However, before I was about to conclude the hearing, the Landlord dialed into the hearing with her daughter and was informed that she was appearing late. The evidence provided by the Tenants was recapped with the Landlord and I allowed the hearing to continue with the evidence on both Applications. Both parties confirmed service of each other's Application and evidence served prior to the hearing. All testimony was given under affirmation.

The parties confirmed that this tenancy ended on March 28, 2017. The parties also confirmed that the Tenants had provided the Landlord with their forwarding address on their notice to end tenancy served at the end of February 2017. The Landlord had not applied to keep the Tenants' security deposit until September 7, 2017 because the Tenants are alleged to have owed her rent.

The Landlord was informed of the doubling provisions of Section 38(1) and 38(6) of the Act. Section 63 of the Act enables an Arbitrator to assist the parties to settle their dispute and 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.

Therefore, at the end of the hearing, the parties were offered an opportunity to settle the matter between them before I reserved my findings to a written decision on the matters before me. The parties considered this offer, turned their minds to compromise, and with my assistance were able to reach a mutual agreement.

Settlement Agreement

Both parties agreed to settle both Applications in full and final satisfaction of all the issues associated with this tenancy. The parties agreed that the Landlord will return to the Tenants a total amount of \$800.00. This payment will be made by the Landlord on or before October 30, 2017.

The Tenants are issued with a Monetary Order for this amount which is enforceable in the Small Claims Division of the Provincial Court **if** the Landlord fails to make payment in accordance with this agreement. Copies of this order are attached to the Tenants' copy of this Decision. The Landlord should retain documentary evidence of payment made to meet the terms of this agreement.

The parties confirmed at the end of the hearing that they had entered into this settlement agreement voluntarily and understood the full nature of the settlement agreement and its meaning. Therefore, no further Applications are permitted and both files are now closed.

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: October 02, 2017

Residential Tenancy Branch