



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding DEVON PROPERTIES LTD.  
and [tenant name suppressed to protect privacy]

## DECISION

Dispute Codes      FFL MNDL-S

### Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the "**Act**") for:

- authorization to retain all or a portion of the tenant's security deposit in partial satisfaction of the monetary order requested pursuant to section 38;
- a monetary order for damage to the rental unit in the amount of \$476 pursuant to section 67; and
- authorization to recover the filing fee for this application from the tenant pursuant to section 72.

The landlord's property manager ("**CA**") attended the hearing. The tenant did not. CA advised me that she had spoken with the tenant earlier in the day and that they had come to an agreement to settle this matter. CA requested that I memorialize their agreement in the form of an order.

While section 63 of the Act empowers an arbitrator to assist the parties in settling their dispute, an arbitrator can only record a settlement in the form of a decision or an order if the settlement is reached during the dispute resolution proceeding (per section 63(2)).

In this case, the parties settled their dispute in advance of the hearing. On that basis, I decline to issue an order or decision memorialize the parties' settlement agreement. In the circumstances, I find it appropriate to dismiss the landlord's application, with leave to reapply.

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 24, 2019

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Residential Tenancy Branch