



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes            MNDCL, FFL

### Introduction

This hearing was convened as a result of the landlord's Application for Dispute Resolution (application) seeking remedy under the *Residential Tenancy Act* (the Act). The landlord applied for a monetary claim of \$2,250.00 for loss of rental income and to recover the cost of the filing fee.

The landlord and the tenant attended the teleconference hearing. The parties gave affirmed testimony, were provided the opportunity to present their evidence orally and in documentary form prior to the hearing, and make submissions to me.

The tenant confirmed that they had received and had the opportunity to review documentary evidence from the landlord. The tenant also confirmed that they did not serve any documentary evidence on the landlord. As a result, I find the tenant was sufficiently served under the Act.

### Preliminary and Procedural Matter

The parties provided their email addresses at the outset of the hearing, which were confirmed by the undersigned arbitrator. The parties confirmed their understanding that the decision would be emailed to both parties and that the monetary order would only be emailed to the landlord for service on the tenant as necessary.

### Issues to be Decided

- Is the landlord entitled to a monetary order under the *Act*?
- Is the landlord entitled to the recovery of the cost of the filing fee under the *Act*?

### Settlement Agreement

During the hearing, the parties agreed to settle these matters on the following conditions:

1. The tenant agrees that she owes the landlord **\$2,350.00** for loss of August 2019 rent, plus the filing fee.
2. The tenant agrees to make 12 monthly payments of **\$195.83** by e-transfer starting **January 15, 2020** and continuing on the 15<sup>th</sup> day of every following month until the full balance of \$2,350.00 as been paid in full to the landlord.
3. The landlord is grant a monetary order in the amount of \$2,350.00 pursuant to section 67 of the Act, which the landlord will enforce should the tenant fail to make any of the payments described in #2 above.
4. The landlord withdraws their application in full as part of this mutually settled agreement.

This settlement agreement was reached in accordance with section 63 of the *Residential Tenancy Act*. The parties confirmed at the end of the hearing that this agreement was made on a voluntary basis and that the parties understood the binding nature of this full and final settlement of these matters.

#### Conclusion

I order the parties to comply with the terms of their settled agreement, pursuant to section 62 of the Act.

The landlord has been granted a monetary order in the amount of \$2,350.00. Should the landlord require enforcement of this order, it must be first served on the tenant by the tenant and may be filed in the Provincial Court (Small Claims) and enforced as an order of that court.

The parties confirmed their understanding that while they voluntarily formed this mutual agreement that the agreement is final and binding under the Act.

This decision will be emailed to both parties. The monetary order will be emailed to the landlord for service on the tenant, if necessary.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: November 26, 2019

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Residential Tenancy Branch