



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **FFT MNDCT**

Introduction

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

- Authorization to recover the filing fees from the landlord pursuant to section 72; and
- A monetary order for damages or compensation pursuant to section 67.

Both the landlord and the tenant TL attended the hearing. As both parties were in attendance, service of documents was confirmed. The landlord confirmed receipt of the tenant's application for dispute resolution and the parties acknowledged the exchange of evidence and stated there were no concerns with timely service of documents. Both parties were prepared to deal with the matters of the application.

Settlement Reached

Pursuant to section 63 of the *Act*, the Arbitrator may 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. During the hearing the parties discussed the issues between them, turned their minds to compromise and achieved a resolution of their dispute.

Both parties agreed to the following final and binding settlement of all issues currently under dispute at this time, with the exception of the tenant's application to recover the filing fee:

1. The landlord will pay to the tenants \$850.00 in full and final settlement of the tenants' claim.
2. The parties agree that the issue of the tenant's claim to recover the \$100.00 filing fee will be left to the arbitrator to determine.

Both parties testified that they understood and agreed to the above terms, free of any duress or coercion. Both parties testified that they understood and agreed that the above terms are legal, final, binding and enforceable, which settle all aspects of this dispute.

Background and Evidence

The parties agree on the following facts. The landlord served a Two Month Notice to End Tenancy for Landlord's Use at the end of May 2019. The tenants paid rent for the month of June 2019, but ended the tenancy on June 15th. The landlord returned \$750.00 of the original \$1,500.00 rent to the tenants on June 15th.

Arbitrator's decision on filing fee

The tenants' claim was made pursuant to section 51 of the *Act* for the equivalent of one month's rent for being served with a 2 Month Notice. By returning the half of June's rent on June 15th and a further \$850.00 in settlement, the landlord has fulfilled his obligation under section 51.

I find the tenant should not be compensated a further \$100.00 for the filing fee.

Conclusion

In order to implement the above settlement reached between the parties and as discussed with them at the hearing, I issue a monetary Order in the tenants' favour in the amount of \$850.00.

This decision is final and binding upon the parties 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: December 02, 2019

Residential Tenancy Branch