



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Skylark Realty Inc
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNR-S, FF

Introduction

This hearing convened by teleconference on February 2, 2021, to deal with the landlord's application for dispute resolution for:

- a monetary order for unpaid utility charges;
- authority to keep the tenant's security deposit to use against a monetary award; and
- to recover the cost of the filing fee.

The landlord's agent and the tenant attended, the parties were affirmed, the hearing process was explained, and they were given an opportunity to ask questions about the hearing process.

During a discussion on preliminary matters, the landlord offered a settlement of the issues. At that point, a mediated discussion ensued. The parties additionally agreed that I would record their settlement, as noted below.

Settlement and Conclusion

During the hearing the parties reached a settlement. Pursuant to section 63 of the Act, I record their agreement in this my Decision and resulting order. As the parties resolved matters by agreement, I make no findings of fact or law with respect to the landlord's claim.

The parties confirmed at the end of the hearing that this agreement was made on a voluntary basis and that the parties understood the nature of this full and final settlement of this matter. The terms of the settlement are as follows.

1. The landlord agrees to reduce their monetary claim of \$1,896.49 to \$1,400.00 and the tenant agrees to pay this amount.
2. The tenant understands that the landlord will be issued a monetary order in the amount of \$1,400.00, which will be of no force or effect, as long as the tenant pays the landlord the amount of \$1,400.00 forthwith.

Conclusion

I order the parties to comply with the terms of their settled agreement.

The landlord has been granted a monetary order in the amount of \$1,400.00. Should the landlord require enforcement of this order, it must be served on the tenant and the monetary order may be filed in the Provincial Court (Small Claims) and enforced as an order of that court.

The matter of the tenant's security deposit of \$750.00 was not discussed at the hearing and was not included with the settlement discussion. The landlord holds the tenant's security deposit of \$750.00, and is allowed to retain it in partial satisfaction of the monetary order granted. If the landlord elects to keep the tenant's security deposit of \$750, the monetary order is reduced by that amount, or to \$650.00.

This decision containing the parties' settled agreement 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: February 2, 2021

Residential Tenancy Branch