



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MNDCL-S, MNRL-S, FFL

Introduction

This hearing was convened in response to the Landlords' Application for Dispute Resolution, in which the Landlords applied for a monetary Order for a monetary Order for money owed or compensation for damage or loss; for a monetary Order for unpaid rent; to retain all or part of the security deposit; and to recover the filing fee from the Tenant for the cost of this Application for Dispute Resolution.

The male Landlord stated the Dispute Resolution Package and the evidence the Landlords submitted to the Residential Tenancy Branch in April of 2021 were personally served to each Tenant, although he cannot recall the date of service. The Tenant with the initials "BO" acknowledged that these documents were received by the Tenants many months ago. As the Tenants acknowledged receipt of the documents, the evidence was accepted as evidence for these proceedings

On September 30, 2021 and October 01, 2021, the Tenants submitted evidence to the Residential Tenancy Branch. The Tenant with the initials "BO" stated that on October 01, 2021 this evidence was left in the Landlords' mailbox, which is located on the outside of their residence.

The male Landlord stated that they did not locate any evidence left in the mailbox located on the outside of the residence. He stated that they do not regularly look in their mailbox because they receive mail at a community mailbox.

The parties were advised that the hearing would proceed and that I would consider an adjournment at the end of the hearing if the Tenants requested an adjournment for the

purposes of re-serving their evidence package. As the parties were able to reach a settlement agreement during this hearing, the hearing was not adjourned for the purposes of allowing the Tenants to re-serve evidence.

The participants were given the opportunity to present relevant oral evidence, to ask relevant questions, and to make relevant submissions. Each participant affirmed that they would speak the truth, the whole truth, and nothing but the truth during these proceedings.

The participants were advised that the Residential Tenancy Branch Rules of Procedure prohibit private recording of these proceedings. Each participant affirmed they would not record any portion of these proceedings.

Issue(s) to be Decided

Are the Landlords entitled to compensation for lost revenue/unpaid rent and unpaid utilities?

Background and Evidence

After considerable discussion regarding the merits of this Application for Dispute Resolution, the Landlords and the Tenants mutually agreed to settle all issues in dispute at these proceedings under the following terms:

- The Landlords will retain the Tenants' security deposit of \$700.00;
- The Tenants will pay the Landlords \$200.00 by October 20, 2021;
- The Tenants will pay the Landlords \$200.00 by November 30, 2021;
- The Tenants will pay the Landlords \$200.00 by December 31, 2021;
- The Tenants will pay the Landlords \$100.00 by January 31, 2022; and
- Neither party will file another Application for Dispute Resolution in relation to this tenancy.

The aforementioned settlement agreement was summarized for the parties on at least two occasions. All participants clearly indicated their intent to resolve this dispute under these terms.

Each participant acknowledged that they understood they were not required to enter into this agreement and that they were doing so voluntarily.

Each participant acknowledged that they understood the agreement was final and binding.

Analysis

I find that all issues in dispute at these proceedings have been settled in accordance with the aforementioned settlement agreement.

Conclusion

On the basis of the aforementioned settlement agreement, the Landlords are granted a monetary Order for \$700.00.

This monetary Order may only be served to the Tenants if they fail to make any of the scheduled payments of this settlement agreement.

In the event the Tenants fail to make a scheduled payment, the monetary Order may be served on the Tenants, filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

It would be reasonable to expect the Province of British Columbia Small Claims Court to reduce the amount of the monetary Order by any amount the Tenants have paid towards the settlement amount.

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 12, 2021

Residential Tenancy Branch