



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **OLC, DRI, FFT, MNDCT**

Introduction

This hearing dealt with an application by the tenant under the *Residential Tenancy Act* (the *Act*) for the following:

- An order for the landlord to return the security deposit pursuant to section 38 2;
- Cancellation of a Notice of Rent Increase pursuant to section 43;
- A monetary order for compensation for damage or loss under the Act, Residential Tenancy Regulation ("Regulation") or tenancy agreement pursuant to section 67 of the Act;
- An order requiring the landlord to reimburse the tenant for the filing fee pursuant to section 72.

This was the continuation of a hearing which began on March 11, 2022, and was adjourned by Decision dated March 12, 2022, as the proceedings exceeded the one-hour time scheduled.

Both parties had opportunity to provide affirmed testimony, present evidence and make submissions. No issues of service were raised.

Neither party made any adjournment or accommodation requests.

I explained the hearing and settlement processes, and the potential outcomes and consequences, to both parties. Both parties had an opportunity to ask questions, which I answered.

I informed both parties that I could not provide legal advice to them. I notified them that they could hire lawyers to obtain legal advice. I informed them that they could consult the Act, Regulation, Policy Guidelines and Rules of Procedures on the RTB public website or contact Information Officers of the RTB. I notified them that they could settle their tenancy issues privately or at an RTB hearing.

Recording

The parties were cautioned that recordings of the hearing were not permitted pursuant to Rule 6.11 of the *Residential Tenancy Branch Rules*. Both parties confirmed their understanding of the requirement and further confirmed they were not making recordings of the hearing.

Delivery of Decision

Each party confirmed their email address to which a copy of the Decision will be sent. The email address for each appears on the first page.

Settlement

Before the conclusion of this 50-minute hearing, the parties discussed the issues between them, engaged in a conversation, turned their minds to compromise, and achieved a resolution of their dispute.

Pursuant to section 63 of the *Act*, the Arbitrator may assist the parties to settle their dispute and if the parties do so during the dispute resolution proceedings, the settlement may be recorded in the form of a Decision or an Order. This settlement agreement was reached in accordance with section 63.

Given the agreement reached between the parties during the proceedings, I find that the parties have settled their dispute and the following records this settlement as a Decision:

- 1) The landlord agreed to pay the tenant \$1,200.00 in final satisfaction of the tenant's claims by equal installments of \$600.00 each on August 10 and August 30, 2022 by bank transfer.
- 2) The parties agreed a Monetary Order to the tenant would issue in this amount.

- 3) The parties acknowledged the tenant paid monthly rent in the amount of \$800.00 from November 30, 2019, to November 30, 2021.

In support of this settlement and with the agreement of both parties, I grant the tenant the following:

1. Monetary Order in the amount of \$1,200.00.

Should either party violate the terms of this agreement, the tenancy agreement, or the *Act*, it is open to the other party to take steps under the *Act* for an appropriate remedy.

The Arbitrator reviewed the terms of the settlement with the parties; both parties stated they understood and agreed to the terms. They acknowledged this settlement settles all aspects of these applications.

Based on the above, I find that all matters between these parties raised in these applications are resolved pursuant to the above agreed terms.

Conclusion

This application is settled on the above terms. The tenant is issued a Monetary Order in the amount of \$1,200.00 which may be filed and enforced in the Courts of the Province of BC.

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: June 20, 2022

Residential Tenancy Branch