



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards  
Ministry of Housing and Social Development

## **DECISION AND REASONS**

### **Dispute Codes:**

*MND, MNR, MNSD, FF, MNDC*

### **Introduction**

This hearing dealt with an application by the landlord, pursuant to the *Residential Tenancy Act* for a monetary order to retain the security deposit pursuant to Section 38 and to recover the filing fee for this application pursuant to Section 72. The landlord also applied for compensation under the Act pursuant to Section 67, for loss of income for the first half of December 2008, due to the tenant ending the tenancy without notice and for damage to the rental suite.

Both parties attended the hearing and were given full opportunity to present evidence and make submissions. On the basis of the solemnly affirmed evidence presented at the hearing, a decision has been reached.

### **Issues to be Decided**

Is the landlord entitled to retain the security deposit and to recover the cost of filing this application? Is the landlord entitled to be compensated for the loss of income for the first half of December 2008 and for the cost to repair the suite?

### **Background and Evidence**

Based on the sworn testimony of both parties, the facts are as follows:

The tenancy started on August 01, 2005 and the tenant paid a security deposit of \$650.00. The roof of the rental unit was compromised and leaked at various times and in various locations in the suite. The tenant advised the landlord each time the roof leaked and the landlord made arrangements to have it fixed. Both parties submitted into evidence photographs and statements describing the condition of the rental unit during the tenancy and after the tenant moved out.

### **Analysis**

Pursuant to Section 63 of the *Residential Tenancy Act*, the dispute resolution officer may assist the parties or offer the parties an opportunity 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 exchanged proposals and achieved a resolution of the dispute. Specifically, the parties agreed as follows that:

- A monetary order in the amount of \$400.00 will be issued in favor of the tenant and the tenant will not pursue any further claims against the landlord.
- The landlord will pay the amount of \$400.00 to the tenant in full and final settlement of the landlord's claim against the tenant.

The parties agree that the above particulars comprise full and final settlement of all aspects of the dispute for both parties. Since the parties reached a mutual agreement to settle this matter, I grant the tenant an order under section 67 of the *Residential Tenancy Act* for the amount of \$400.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

### **Conclusion**

I grant the tenant a monetary order in the amount of **\$400.00** in full and final satisfaction, for both parties, of all aspects of the dispute and for compensation under the Act with regard to the dispute rental unit.

Dated February 18, 2009.

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Dispute Resolution Officer