



Dispute Resolution Services

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

Decision

Dispute Codes: MNDC, FF

Introduction

This hearing dealt with an application from the tenant(s) for a monetary order as compensation for rent in association with a 2 month notice to end tenancy, reimbursement of a portion of the cost of utilities allegedly included in the rent, return of some portion of the combined security / pet deposit, and recovery of the filing fee. Both parties were represented in the hearing and gave affirmed testimony.

Issue to be Decided

- Whether the tenant(s) are entitled to a monetary order under the Act

Background and Evidence

Pursuant to two written residential tenancy agreements, the terms of tenancy were from May 1, 2005 to April 30, 2006 and May 1, 2006 to April 30, 2007. Thereafter, tenancy continued on a month-to-month basis. Rent in the amount of \$2,495.00 was payable in advance on the first day of each month. A combined security / pet deposit of \$2,495.00 was collected on April 19, 2005.

The landlord(s) issued a 2 month notice to end tenancy for landlord's use of property dated February 18, 2008. The date by when the tenant(s) must vacate the unit is shown on the notice as April 30, 2008.

The dispute centres around matters including, but not limited to, whether water was or was not included in the monthly rent, whether the full security / pet deposit plus interest was returned to the tenant(s) after tenancy ended, whether the landlord(s) were

authorized to withhold certain amounts from the security / pet deposits, and whether the tenant(s) were provided with the equivalent of one month's rent pursuant to notice to end tenancy given under section 49 of the Act. During the hearing the parties engaged in a conversation with a view to resolving the dispute.

Analysis

Pursuant to section 63 of the Act, by way of discussion during the hearing the parties achieved a settlement of the dispute. Specifically, the parties agreed as follows:

- that the landlord(s) will send cheque payment by mail to the tenant(s) in the total amount of \$3,200.00;
- that the above cheque will be post-dated no later than April 15, 2009;
- that the envelope containing the above cheque will be post marked not later than midnight, April 14, 2009;
- that the tenant(s) waive recovery of the filing fee for their application; and
- that the above particulars comprise full and final settlement of all aspects of the dispute for both parties.

Conclusion

Pursuant to the above agreement, I hereby grant the tenant(s) a monetary order under section 67 of the Act for **\$3,200.00**. Should the landlord(s) fail to comply with the above agreement, this order may be served on the landlord(s), filed in the Small Claims Court and enforced as an order of that Court.

DATE: March 31, 2009

Dispute Resolution Officer