



Dispute Resolution Services

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

Decision

Dispute Codes: MNSD, FF

Introduction

This hearing dealt with an application from the landlord for retention of a portion of the security deposit in partial satisfaction of the claim, and recovery of the filing fee. Both parties participated in the hearing and gave affirmed testimony.

Issues to be Decided

- Whether the landlord is entitled to retain a portion of the security deposit and / or recover the filing fee.

Background and Evidence

Pursuant to a verbal agreement between the parties the seasonal tenancy began in November 2008. Rent in the amount of \$1,400.00 was payable each month, and a security deposit of \$700.00 was collected at the start of tenancy. The tenants did not pay rent for the month of January 2009, and without providing one month's notice, they moved out of the unit on January 3, 2009. Their tenancy was virtually assigned to two other persons with whom they were acquainted, who moved into the unit three days later on January 9, 2009 and paid a reduced amount of monthly rent. However, the new renters themselves moved out of the unit towards the end of January 2009.

By way of his original application for dispute resolution, the landlord seeks to recover loss of rental income, compensation for the inconvenience of having to once again find new renters, and recovery of the filing fee for his application.

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 between them during the hearing the parties achieved a resolution of the dispute. Specifically, the parties agreed as follows:

- that the landlord will purchase a money order made payable to the tenant(s) in the amount of \$375.00;
- that the landlord will meet one of the tenants at 2:00 p.m. later today at an agreed-upon site in Whistler in order to personally hand-deliver the money order;
- that the above payment comprises full and final settlement of all aspects of the dispute for both parties.

Conclusion

Pursuant to the agreement between the parties, as above, I hereby order the landlord to pay to the tenants the amount of **\$375.00** on March 31, 2009 as full and final settlement of all aspects of the dispute for both parties.

DATE: March 31, 2009

Dispute Resolution Officer