



# **Dispute Resolution Services**

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

## **Decision**

**Dispute Codes:** MND, MNSD, MNDC, FF

## **Introduction**

This hearing dealt with an application from the landlord a monetary order in compensation for loss of rental income, costs associated with cleaning and repairs in the unit, retention 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.

## **Issue to be Decided**

- Whether the landlord is entitled to a monetary order under the Act

## **Background and Evidence**

Pursuant to two written residential tenancy agreements, the terms of tenancy were from September 1, 2007 to June 30, 2008 and July 1, 2008 to June 30, 2009. The issues of dispute arise from the second agreement.

Rent in the amount of \$2,656.00 was payable in advance on the first day of each month, and a security deposit of \$1,328.00 was collected on August 23, 2008.

By way of e-mail to the landlord dated January 23, 2009, the tenant gave notice of his intent to vacate the unit by the end of February 2009. Arising from that a dispute arose around the tenant's liability for the landlord's actual and potential loss of rental income and, following the departure of the tenants from the unit, costs incurred by the landlord for restoring the premises to a condition suitable for new tenants.

Both, prior to and during the hearing the parties exchanged perspectives with a view to resolving the dispute between them.

## **Analysis**

Pursuant to section 63 of the Act, by way of their discussions the parties achieved a resolution of the dispute. Specifically, it was agreed as follows:

- that the landlord will retain the full amount of the tenant's security deposit plus interest accrued since its collection;
- that, further to the above, the tenant will make payment to the landlord in the total amount of **\$1,900.00**;
- that the tenant's payment of \$1,900.00, as above, will be undertaken by way of six (6) installments paid by way of post dated cheques:
  - i) \$900.00 by cheque post dated *April 17, 2009*
  - ii) \$200.00 by cheque post dated *May 15, 2009*
  - iii) \$200.00 by cheque post dated *June 15, 2009*
  - iv) \$200.00 by cheque post dated *July 15, 2009*
  - v) \$200.00 by cheque post dated *August 15, 2009*
  - vi) \$200.00 by cheque post dated *September 15, 2009*
- that the above cheques will be deposited by the tenant into the landlord's home mail box by no later than *April 17, 2009*;
- that the above particulars reflect full and final settlement of all aspects of the dispute for both parties.

### **Conclusion**

Pursuant to the agreement reached between the parties, as above, I hereby grant the landlord a monetary order under section 67 of the Act for **\$1,900.00**. In the event that the tenant defaults on the above payments, this order may be served on the tenant, filed in the Small Claims Court and enforced as an order of that Court.

DATE: April 16, 2009

---

Dispute Resolution Officer