

DECISION

Dispute Codes OPR, MNR MNSD MND FF

Introduction

The landlord attended the hearing to advise that he came to an agreement with the tenant whereby the landlord would withdraw his application for an Order of Possession, withdraw his claim for damages to the unit, withdraw his claim to recover the filing fee, and to request an order to retain the tenant's security deposit in full satisfaction of his claim.

Issues(s) to be Decided

The issues to be decided based on the testimony and the evidence are:

- Whether the landlord is entitled to an Order to retain the tenant's security deposit in full satisfaction of his claim pursuant to section 38 of the *Residential Tenancy Act*.

Background and Evidence

The landlord testified that the tenant failed to pay March rent and that he issued a 10 Day Notice to End tenancy. The landlord testified that the tenant moved out on March 31, 2009 and that the tenant agreed to allow the landlord to retain the security deposit of \$245.00 plus interest of \$0.31 as full satisfaction for March 2009 rent.

The landlord testified that he agreed to give the tenant half of March's rent for free if the tenant agreed to allow the landlord to retain the security deposit, and if the tenant moved out by March 31, 2009. The landlord has withdrawn his request for a monetary order for unpaid rent.

The landlord withdrew his claim for damage to the rental unit, and withdrew his request to recover the filing fee.

Analysis

Based on the landlord's testimony, I find that the applicant and respondent came to an agreement whereby the landlord would retain the tenant's security deposit and interest in full satisfaction of his claim for the March unpaid rent.

The landlord has withdrawn his request for an Order of Possession as the tenant has vacated the rental unit.

Conclusion

The landlord has withdrawn his request for an Order of Possession.

I HEREBY ORDER the landlord to retain the tenant's security deposit of \$245.00 plus interest of \$0.31 for a total of \$245.31, as full satisfaction of his claim.

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: April 30, 2009.

Dispute Resolution Officer