



Dispute Resolution Services

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

DECISION AND REASONS

Dispute Codes: *MNDC, MND, FF*

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for a monetary order to recover the costs of repair to a washing machine, to replace lost keys and for the filing fee.

Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

Issues to be decided

Has the landlord established a claim for costs incurred to repair the washer and replace lost keys? Is the landlord entitled to the recovery of the filing fee?

Background and Evidence

The landlord testified that the tenancy started on April 01, 2008. The monthly rent was \$1000.00 due in advance on the first day of each month. The tenant paid a security deposit in the amount of \$500.00.

The landlord is claiming a total of \$935.95 to replace a broken washer and lost keys. The landlord stated that the tenant overloaded the machine after being warned not to, which resulted in the breakdown of the machine motor. The tenant argued that the machine was old and used by 15 tenants and its breakdown was not caused by the tenant's use alone.

Analysis

Pursuant to Section 63 of the *Residential Tenancy Act*, the dispute resolution officer may assist the parties 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 this hearing, the parties confirmed that they had reached an agreement to settle these matters, on the following conditions:

1. The tenant will waive her rights to the return of the security deposit in the amount of \$500.00, plus accrued interest.
2. The landlord will accept this amount of \$500.00 plus accrued interest in full and final settlement of his claim.

These particulars comprise the full and final settlement of all aspects of the dispute for both parties.

Conclusion

The parties reached an agreement to settle this dispute by allowing the landlord to retain the security deposit plus accrued interest, in full and final resolution of all aspects related to the dispute rental suite.

Dated June 02, 2009.

Dispute Resolution Officer