



Dispute Resolution Services

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

Decision

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

Introduction

This hearing dealt with two applications: 1) from the landlord for a monetary order as compensation for costs associated with loss / repair to damage, retention of the security deposit in partial satisfaction of the claim, and recovery of the filing fee; 2) from the tenants for double return of the security deposit and recovery of the filing fee. Both parties participated in the hearing and gave affirmed testimony.

Background and Evidence

Pursuant to a written residential tenancy agreement, the term of the tenancy was from February 21, 2008 to March 1, 2009. Rent (\$1,695.00) in combination with a share of the cost of the hydro utility (\$130.00) totaled \$1,825.00 per month. A security deposit of \$850.00 was collected on February 19, 2008.

After provision of one month's written notice to the landlord, the tenants vacated the unit on February 28, 2009. The subsequent dispute pertains principally to determining the respective responsibility of the parties for repairs required to a portion of the hardwood floor in the unit. During the hearing the parties exchanged views on the circumstances giving rise to the dispute and undertook to achieve a settlement.

Analysis

Pursuant to section 63 of the Act, discussion between the parties during the hearing led to a resolution of the dispute. Specifically, it was agreed as follows:

- that the landlord will retain \$500.00 from the tenants' security deposit;
- that the landlord will mail cheque payment in the amount of \$350.00 to the tenant, "SMK" at his mailing address as provided during the hearing;
- that the landlord will put the above cheque into the mail by no later than midnight, Monday, June 15, 2009;
- that the above particulars comprise full and final settlement of all aspects of the dispute for both parties.

Conclusion

Pursuant to all of the above, I hereby issue a monetary order in favour of the tenant, "SMK" in the amount of **\$350.00**. Should it be necessary, this order may be served on the landlord, filed in the Small Claims Court and enforced as an order of that Court.

DATE: June 15, 2009

Dispute Resolution Officer