



Dispute Resolution Services

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

Decision

Dispute Codes: MNR, MNDC, MNSD, FF

Introduction

This hearing dealt with the landlord's application for a monetary order as compensation for unpaid rent, compensation for loss of rental income, retention of the security deposit in partial satisfaction of the claim, and recovery of the filing fee for this application. 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 a written residential tenancy agreement, the term of the tenancy was from August 1, 2008 to July 31, 2009. Rent in the amount of \$1,750.00 was payable in advance on the first day of each month, and a security deposit of \$875.00 was collected on July 26, 2008. There was no move-in condition inspection or report completed.

By letter to the landlord dated February 10, 2009, the tenant gave notice of his intent to vacate the unit on March 15, 2009. The tenant proposed to the landlord that she retain the security deposit for one half of the month's rent for March 2009. There was no move-out condition inspection or report completed. Subsequently, the landlord re-rented the unit effective on or about April 8, 2009 at a monthly rent of \$1,500.00.

During the hearing the parties exchanged views on the matters of dispute which included, but were not limited to, in what condition the unit was left following the tenant's departure, arrangements made by the tenant during the tenancy for repairs to the freezer, the landlord's requirement that the tenant remove a dog brought into the unit

after the start of tenancy, the landlord's inability to re-rent the unit at the same monthly rate agreed to by the tenant, and so on.

Analysis

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

- that the landlord withdraws her application for recovery of the filing fee;
- that the landlord retains the tenant's security deposit of \$875.00;
- that, further to the above, the tenant will pay to the landlord the amount of \$1,500.00;
- that the above payment will be made by way of three (3) post-dated cheques, each in the amount of \$500.00 and mailed to the landlord by no later than midnight, Wednesday, June 10, 2009;
- that the above cheques will be post-dated:
 - o June 25, 2009
 - o July 9, 2009
 - o July 23, 2009
- that the above particulars comprise full and final settlement of all aspects of the dispute for both parties.

Conclusion

Pursuant to the above agreement, I hereby grant the landlord a monetary order under section 67 of the Act for **\$1,500.00**. This order may be served on the tenant, filed in the Small Claims Court and enforced as an order of that Court.

DATE: June 4, 2009

Dispute Resolution Officer