



# Dispute Resolution Services

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

## **Decision**

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

## **Introduction**

This hearing dealt with two applications: 1) from the landlord a monetary order as compensation for unpaid rent / loss of rental income, retention of the security deposit in partial satisfaction of the claim, and recovery of the filing fee; 2) from the tenant for a monetary order for reimbursement of rent and the security deposit, compensation for loss, in addition to recovery of the filing fee. Both parties participated in the hearing and gave affirmed testimony.

As the tenant vacated the unit, the landlord withdrew the earlier application for an order of possession.

## **Issue to be Decided**

- Whether either party is entitled to a monetary order under the Act

## **Background and Evidence**

Pursuant to a written residential tenancy agreement, the term of tenancy was from February 1, 2009 to July 31, 2010. Rent in the amount of \$1,350.00 was payable in advance on the first day of each month, and a security deposit of \$675.00 was collected at the start of tenancy.

Through no fault of either party, the unit sustained water damage as a result of an incident in another unit in the building. Flooding occurred on or around February 4, 2009; thereafter the tenant relocated to a friend's place and the tenant claims he did not return to live in the subject unit. The landlord stated that repairs to the unit were completed within the last couple of weeks; she further stated that she has not

advertised for new renters, rather, she has advertised the unit for sale. During the hearing the parties discussed matters including, but not limited to, how many days the tenant actually occupied the unit before moving all of his belongings, various costs incurred by both parties, what compensation was owed by each to the other in relation to the circumstances of the flooding, and so on.

### **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 reimburse the tenant the full security deposit in the amount of \$675.00;
- that the above payment will be made by way of cheque post-dated and put into the mail to the complainant at his current address by no later than midnight, Friday, June 12, 2009;
- that the above particulars comprise full and final settlement of all aspects of the dispute for both parties.

Pursuant to the above agreement, I grant the tenant a monetary order under section 67 of the Act for \$675.00.

### **Conclusion**

I hereby grant the tenant a monetary order under section 67 of the Act for **\$675.00**.

Should the landlord fail to comply with the agreement reached between the parties, this order may be served on the landlord, filed in the Small Claims Court and enforced as an order of that Court.

DATE: June 8, 2009

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Dispute Resolution Officer