

DECISION

Dispute Codes MND MNSD FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord to obtain a Monetary Order for damage to the unit, to keep the security deposit in partial satisfaction of his claim, and to recover the cost of the filing fee from the Tenants for this application.

Service of the hearing documents, by the Landlord to Tenants, was done in accordance with section 89 of the *Act*, sent via registered mail on May 21, 2009. Mail receipt numbers were provided in the verbal testimony. The Tenants were deemed to be served the hearing documents on May 26, 2009, the fifth day after they were mailed as per section 90(a) of the *Act*. The Tenants confirmed receipt of the hearing package.

The Landlord and Tenants appeared, acknowledged receipt of evidence submitted by the other, gave affirmed testimony, were provided the opportunity to present their evidence orally, in writing, in documentary form, and to cross exam each other.

All of the testimony and documentary evidence was carefully considered.

Issues(s) to be Decided

Is the Landlord entitled to a Monetary Order under sections 38, 67, and 72 of the *Residential Tenancy Act*?

Decision

During the course of the hearing, the parties reached an agreement to settle this matter, on the following conditions:

1. the Landlord will retain \$479.92 (\$300.00 + \$129.92 + \$50.00) from the Tenant's security deposit;
2. the Landlord will pay the Tenant's the balance of the security deposit plus interest in the amount of \$296.64 (\$750.00 security deposit + \$26.56 interest from September 10, 2005 to September 1, 2009 - \$479.92); and
3. in consideration for this mutual settlement the Landlord agrees that no further claims will be made whatsoever arising from this tenancy.

Conclusion

A copy of the Tenant's decision will be accompanied by a Monetary Order for \$296.64. The order must be served on the Landlord and is enforceable through the Provincial Court and enforced as an order of that Court.

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: August 31, 2009.

Dispute Resolution Officer