

Dispute Resolution Services

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

DECISION AND REASONS

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

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for a monetary order to recover loss of income, repair and cleaning costs and the filing fee. The landlord also applied to retain the security deposit in partial satisfaction of her claim.

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

Issues to be decided

Did the landlord suffer a loss of income due to a violation of the tenancy agreement on the part of the tenant? Did the landlord make efforts to mitigate her losses? Has the landlord established a claim for costs incurred to repair and clean the rental unit and for the filing fee? Is the landlord entitled to retain the security deposit?

Background and Evidence

The fixed term tenancy started on September 01, 2008 and was due to end on March 31, 2009. The rent was \$900.00 due in advance on the first day of each month. The tenant paid a security deposit in the amount of \$400.00.

On January 11, 2009, the tenant advised the landlord by email of her intentions to end and moved out on January 31, 2009. The tenant gave the landlord her forwarding address and agreed to let the landlord retain the security deposit for ending the tenancy prior to the end date stipulated in the tenancy agreement.

The landlord hired a realtor and put the unit up for sale. The landlord stated that when she was unable to find a buyer, she rented the unit as of May 01, 2009. The landlord is claiming rent for February and March 2009 and repairs/cleaning for a total of \$2,282.00.

During the hearing the parties engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

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 reached an agreement to settle their dispute. Specifically:

- The landlord agreed to accept \$636.00 in full and final settlement of her claim.
- The tenant agreed to allow the landlord to retain the security deposit and to pay the landlord \$636.00 towards her claim.

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

Conclusion

I order that the landlord retain the security deposit of 400.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the balance due of **\$636.00**. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated August 04, 2009.

Dispute Resolution Officer