



Dispute Resolution Services

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

Decision

Dispute Codes: MNDC, MNSD, FF

Introduction

This hearing dealt with an application from the tenants for compensation for damage or loss under the Act, double return of the security deposit, and recovery of the filing fee for this application. Both parties participated in the hearing and gave affirmed testimony.

Issues to be decided

- Whether the tenants are entitled to any or all of the above

Background and Evidence

The month-to-month tenancy began on September 15, 2008. Rent in the amount of \$1,200.00 was payable on the 15th day of the month, and a security deposit of \$600.00 was collected on September 11, 2008.

The landlord issued a 1 month notice to end tenancy for cause dated March 30, 2009. The date shown on the notice by when the tenants must vacate the unit is April 30, 2009. In a previous dispute resolution hearing held on May 14, 2009, the tenants were successful in having the notice cancelled. However, the tenants vacated the unit on April 15, 2009.

During the hearing the parties exchanged views on the circumstances surrounding the dispute and undertook to find a resolution. Matters discussed included, but were not limited to, whether the tenants owned more than one pet without the landlord's consent, whether the tenants were responsible for damage in the unit, whether the landlord had

incorrectly noted the date by when the tenants must vacate the unit on the 1 month notice, and whether the tenants had given proper notice of intent to vacate the unit.

Analysis

Section 63 of the Act provides that the parties may undertake to settle their dispute during a hearing. Pursuant to this provision, discussion between the parties during the hearing led to a resolution of the dispute. Specifically, it was agreed as follows:

- that the landlord will mail cheque payment to tenant “MM” in the full amount of **\$1,100.00**;
- that the above cheque includes \$1,050.00 in respect to settlement of the dispute heard today, and \$50.00 (filing fee) in respect to the dispute heard on May 14, 2009, for which a monetary order was issued on the same date;
- that the above cheque will be mailed to the tenant at her mailing address as shown on the application for dispute resolution;
- that the above cheque will be deposited into the mail by no later than midnight, Friday, August 21, 2009;
- that the above particulars comprise full and final settlement of all aspects of the dispute for both parties, which arise out of this tenancy.

Conclusion

According to the above agreement and pursuant to section 67 of the Act, I hereby issue a monetary order in favour of the tenants in the amount of \$1,050.00. 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: August 17, 2009

Dispute Resolution Officer