



Dispute Resolution Services

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

Decision

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

Introduction

This hearing dealt with two applications: 1) from the landlord for a monetary order for unpaid rent / compensation for damage or loss under the Act, retention of the security deposit and recovery of the filing fee, and 2) from the tenant for a monetary order for compensation for damage or loss under the Act, return of the security deposit and recovery of the filing fee. Both parties participated in the hearing and gave affirmed testimony.

Issues to be decided

- Whether either party is entitled to any of the above

Background and Evidence

Pursuant to a written residential tenancy agreement, the fixed term of tenancy was from February 1, 2009 to January 31, 2010. Rent in the amount of \$1,100.00 was payable on the first day of the month, and a security deposit of \$550.00 was collected on January 14, 2009.

Arising from the tenant's concerns about miscellaneous noise disturbances from the occupants of another unit in the 4-plex structure, by letter dated June 1, 2009 the tenant informed the landlord of her intent to vacate the unit at the end of June 2009.

Subsequently, the landlord re-rented the unit effective August 1, 2009.

In short, the landlord seeks recovery of lost rental income for July 2009, recovery of liquidated damages, and the filing fee; further, the landlord seeks to retain the security

deposit and have it applied against the aforementioned claim. For her part, the tenant seeks compensation for costs associated with moving, return of the security deposit and recovery of the filing fee.

During the hearing the parties exchanged views on the circumstances surrounding the dispute and undertook to achieve a resolution.

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. Specifically, it was agreed as follows:

- that the landlord will retain the tenant's full security deposit;
- that, further to the above, the tenant will pay FORTHWITH to the landlord the full amount of \$875.00;
- that the above particulars comprise full and final settlement of all aspects of the dispute arising from this tenancy for both parties.

Conclusion

Following from the above agreement and pursuant to section 67 of the Act, I hereby issue a monetary order in favour of the landlord in the amount of **\$875.00**. Should it be necessary, this order may be served on the tenant, filed in the Small Claims Court and enforced as an order of that Court.

DATE: September 2, 2009

Dispute Resolution Officer