

DECISION

Dispute Codes: MNSD, MNDC and FF

Introduction

This application was brought by the tenant seeking return of her security deposit and pet damage deposit on the grounds that the landlord did not return them or make application to claim upon them within 15 days of the end of the tenancy as required under section 38(1) of the *Act*. The tenant also seeks reimbursement for a dimmer switch she installed in the rental unit and recovery of the filing fee for this proceeding.

Issue(s) to be Decided

This matter requires a decision on whether the tenant is entitled to Monetary Order for return of the deposits and reimbursement for the dimmer switch and recovery of the filing fee for this proceeding.

Background and Evidence

This tenancy began on April 13, 2009 although the tenant had been moving some belongings to the unfinished rental unit from April 3, 2009. Rent was \$1,000 per month, although rent for April was prorated. The landlord holds a security and pet damage deposits \$500 each paid on March 20, 2009.

During the hearing, the parties gave evidence the tenant, on May 4, 2009 had given notice to end the tenancy on May 31, 2009, short of the full month required under

section 45 of the *Act*. The landlord stated that he had not received a forwarding address for the tenant, but the tenant stated that she had placed it in his mail box some time in June. The landlord was unable to find a new tenant until September 2009.

Consent Agreement

During the hearing, the parties crafted the following consent agreement:

1. The landlord agrees to accept the late notice to have taken effect on June 15, 2009;
2. The tenant agrees to relinquish \$500 of the deposits in compensation for loss of rent for the first half of June 2009;
3. The landlord agrees to pay the tenant the remaining \$500 plus \$25 as half of the tenant's filing fee for this proceeding;
4. The landlord, having failed to provide a written rental agreement, now agrees to provide the tenant with written confirmation of the details of the tenancy to assist her application for housing assistance.
5. The parties agree that the landlord's timely payment of the \$525 constitutes full and final settlement of all matters pertaining to this tenancy.

Conclusion

In order to perfect this consent agreement, the tenant's copy of this decision is accompanied by a Monetary Order for \$525.00, enforceable through the Provincial Court of British Columbia, for service on the landlord.