



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes:

MNSD, FF

Introduction

This hearing was scheduled in response to the Tenant's Application for Dispute Resolution, in which the Tenant has made application for a monetary Order for return of the security deposit and to recover the filing fee from the Landlord for the cost of this Application for Dispute Resolution.

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants. The hearing process was explained, evidence was reviewed and the parties were provided with an opportunity to ask questions about the hearing process. They were provided with the opportunity to submit documentary evidence prior to this hearing, all of which has been reviewed, to present affirmed oral testimony and to make submissions during the hearing. I have considered all of the evidence and testimony provided.

Issue(s) to be Decided

Is the tenant entitled to return of the deposit paid?

Is the tenant entitled to filing fee costs?

Background and Evidence

The fixed-term tenancy commenced on July 8, 2008 and was to terminate on August 1, 2009. The parties agreed that the Tenant gave written notice that he would move out on June 3, 2008.

During the hearing the Landlord confirmed receipt of the tenant's written forwarding address on July 22, 2009. The landlord testified that the tenant owed liquidated damages in a sum equivalent to the deposit of \$392.50 paid on July 8, 2008; however the Landlord did not return the deposit or file a claim for dispute resolution.

During the hearing the parties reached agreement that the Landlord would return the deposit in the sum of \$392.50 and that the Landlord would make no future claim against

the Tenant for any matter related to his tenancy. The Tenant accepted the Landlord's offer and the matter was settled between the parties.

Conclusion

The parties have reached a settled agreement whereby the Landlord will forthwith return the Tenant his deposit in the sum of \$392.50.

I find that the Tenant has established a total monetary claim of \$392.50 comprised of the deposit paid and I grant the Tenant an order in that amount. The Landlord confirmed the Tenant's new address and has confirmed a cheque will be delivered to the Tenant. In the event that the Tenant does not receive a cheque this Order may be filed in the Provincial Court (Small Claims) 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: December 02, 2009.

Dispute Resolution Officer