

Decision

Dispute Codes: MND, MNDC, MNSD, FF

Introduction

This hearing dealt with an application by the landlord for a monetary order as compensation for damage to the unit, compensation for damage or loss under the Act, regulation or tenancy agreement, retention 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 the landlord is entitled to any or all of the above under the Act, regulation or tenancy agreement

Background and Evidence

Pursuant to a written residential tenancy agreement, the month-to-month tenancy began on July 1, 2008. Monthly rent was \$800.00, and was payable in advance on the first day of each month. A security deposit of \$400.00 was collected on July 1, 2008. A move-in condition inspection and report were completed on July 1, 2008.

Tenancy ended effective October 31, 2009 and move-out condition inspection and report were completed on that same date.

The landlord seeks the following specific compensation:

\$825.26 – carpet replacement in master bedroom

\$400.00 – general cleaning throughout the unit

\$132.15 – replacement of living room curtains

\$84.00 – replacement of screen on living room sliding door

\$100.00 – carpet cleaning (living room, dining room & hallway)

\$50.00 – filing fee

Total: \$1,591.41

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

Analysis

Section 63 of the Act provides that the parties may attempt 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 tenants will pay the following amounts with respect to the items set out above:

\$550.00 – carpet replacement in master bedroom;

\$400.00 – general cleaning throughout the unit;

\$66.00 – replacement of living room curtains;

\$92.00 – combined amount with respect to replacement of screen on living room sliding door, and carpet cleaning ($\$184.00 \div 2$);

\$25.00 – filing fee

Sub-total: \$1,133.00

- that a credit in favour of the tenants in the amount of \$600.00 will be applied against the above sub-total. This credit is comprised of the security deposit of \$400.00, in addition to a separate payment already made to the landlord of \$200.00;

- that the balance owing by the tenants to the landlord is therefore \$533.00 (\$1,133.00 - \$600.00), and that a monetary order will be issued in favour of the landlord to that effect;
- that payment of the above amount will be made by way of 2 separate Money Orders, each in the full amount of \$266.50 ($\$533.00 \div 2$);
- that the first Money Order will be dated and put into the mail to the landlord by no later than midnight, Monday, February 15, 2010;
- that the second Money Order will be dated and put into the mail to the landlord by no later than midnight, Monday, March 15, 2010.
- that the above particulars comprise full and final settlement of all aspects of the dispute arising from this tenancy for both parties.

Conclusion

Pursuant to section 67 of the Act, I hereby issue a monetary order in favour of the landlord in the amount of **\$533.00**. Should it be necessary, this order may be served on the tenants, filed in the Small Claims Court and enforced as an order of that Court.

DATE: February 12, 2010

Dispute Resolution Officer