

Decision

Dispute Codes: MNSD, OLC

Introduction

This hearing dealt with an application by the tenant for return of the security deposit, in addition to an order instructing the landlord to comply with the Act, regulation or tenancy agreement. Both parties participated in the hearing and gave affirmed testimony.

Issues to be decided

- Whether the tenant is entitled to either or both of the above under the Act

Background and Evidence

Pursuant to a written residential tenancy agreement, the fixed term of tenancy is from August 1, 2009 to August 1, 2010. A copy of this agreement is not before me in evidence, however, it is understood that it provides for cost sharing of hydro in addition to cable and high speed internet. Rent of \$900.00 is payable in advance on the first day of each month. A security deposit of \$450.00 was collected on or about July 31, 2009. The tenant testified there was no move-in condition inspection and report completed at the outset of tenancy.

There have been a range of miscellaneous difficulties for both parties arising from this tenancy. As a result, during the hearing the parties 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 tenant will withdraw the aspects of her original application for the present time;

- that the tenant will vacate the unit and remove all of her possessions by not later than 1:00 p.m., Sunday, February 28, 2010, and that an order of possession will be issued in favour of the landlord to that effect;
- that the parties will meet together at the unit at Noon on Sunday, February 28, 2010, in order to complete a move-out condition inspection of the unit;
- that during the meeting together at Noon on Sunday, February 28, 2010, the parties will attempt to resolve all matters related to any unpaid utilities;
- that during the meeting together at Noon on Sunday, February 28, 2010, the parties will attempt to reach agreement around the disposition of the tenant's security deposit;
- that the landlord undertakes not to make an application for a monetary order as compensation for loss of rental income after February 2010, arising from the mutual agreement to end tenancy prior to the end of the original fixed term.

Conclusion

Pursuant to all of the above, I hereby issue an order of possession in favour of the landlord effective not later than **1:00 p.m., Sunday, February 28, 2010**. This order must be served on the tenant. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

DATE: February 22, 2010

Dispute Resolution Officer