

## **Decision**

**Dispute Codes:** MNSD, FF

### **Introduction**

This hearing dealt with an application by the tenants for the double return of their security deposit, and recovery of the filing fee. Both parties participated in the hearing and gave affirmed testimony.

### **Issues to be decided**

- Whether the tenants are entitled to either or both of the above under the Act

### **Background and Evidence**

Pursuant to a written residential tenancy agreement, the month-to-month tenancy began on April 1, 2009. Rent in the amount of \$995.00 was payable in advance on the first day of each month. A security deposit of \$497.50 was collected on March 28, 2009. By letter dated June 30, 2009, the tenants gave notice of their intent to vacate the unit effective July 31, 2009. The landlord continues to hold the full security deposit and the dispute arises around whether, when and how the tenants provided the landlord with their forwarding address.

During the hearing the parties very respectfully undertook to achieve a resolution of the dispute.

### **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 landlord will withhold \$201.18 from the tenants' security deposit as compensation for utilities;

- that the landlord will repay the balance of the security deposit to the tenants in the amount of \$296.32 *PLUS* half the filing fee in the amount of \$25.00, for a total of \$321.32;
- that the above payment will be made by way of cheque made payable to tenant "EJW";
- that the landlord will put the above cheque into the mail by no later than midnight, Tuesday, February 23, 2010.

### **Conclusion**

Following from all of the above, I hereby order that the landlord may withhold \$201.18 from the tenants' security deposit.

Further, I hereby order the landlord to make payment to the tenants in the amount of \$321.32, pursuant to the details agreed to and as set out above.

DATE: February 23, 2010

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Dispute Resolution Officer