

DECISION

Dispute Codes MNR MNSD FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord to obtain a Monetary Order for unpaid rent, to keep the security deposit and to recover the cost of the filing fee from the Tenant for this application.

Service of the hearing documents, by the Landlord to the Tenant, was done in accordance with section 89 of the *Act*, sent via registered mail.

The female Landlord and the Tenant's agent appeared, acknowledged receipt of evidence submitted by the other, gave affirmed testimony, were provided the opportunity to present their evidence orally, in writing, and in documentary form.

Issues(s) to be Decided

Is the Landlord entitled to a monetary order for unpaid rent and to keep the security deposit under sections 38 and 67 of the *Act*?

Analysis

During the course of the hearing, the parties reached an agreement to settle this matter, on the following conditions:

1. The Landlord will retain \$300.00 of the \$600.00 deposit currently held in trust;

I find that the Landlord should not suffer additional costs in this matter and hereby award the Landlord recovery of the \$50.00 filing fee which meets the criteria under section 72(2)(b) of the *Act* to be offset against the Tenant's deposit.

The balance of the deposit held in trust of \$250.00 plus interest of \$0.00 is to be returned to the Tenant upon receipt of this decision.

Conclusion

I grant the Tenant an order under section 67 for the balance due of \$250.00. This order may be filed in the Small Claims Court 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: February 03, 2010.

Dispute Resolution Officer