



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MNDC, O, FF

Introduction

This hearing dealt with the tenants' application for a Monetary Order for damage or loss under the Act, regulations, or tenancy agreement, other issues, and recovery of the filing fee. Both parties appeared at the hearing and were provided the opportunity to be heard and to respond to the other party's submissions.

Issues(s) to be Decided

1. Have the tenants established an entitlement to a Monetary Order?
2. Mutual agreement between the parties.

Background and Evidence

I heard the following undisputed testimony from the parties. The tenants and the landlord had a verbal agreement with respect to rental of a room and shared kitchen and laundry facilities in a rooming house owed by the landlord. In September 2009, the tenants had paid two \$300.00 security deposits to the landlord. The tenants paid rent of \$900.00 on September 5, 2009 and October 5, 2009. The tenants vacated the rental unit October 12, 2009. The landlord obtained the keys to the rental unit via registered mail received by the landlord October 27, 2009.

In making this application, the tenants applied for compensation in the amount of \$1,325.00 which was comprised of \$600.00 for return of the security deposits and the portion of rent paid for the rental unit after October 12, 2009. After both parties were

heard, the parties were able to reach a mutual agreement during the hearing that I record as follows:

1. The landlord will pay the male tenant a total of \$862.00 in settlement of this claim; and,
2. Both parties agree that they will not make any future or subsequent claims against the other party with respect to this tenancy.

The tenants confirmed that their address for receipt of payment from the landlord is the same as the address that appears on the Application for Dispute Resolution. The landlord confirmed he was served with the tenant's Application for Dispute Resolution and has their service address.

Analysis

I accept the mutual agreement reached between the parties and make it an Order to be binding upon both parties. Accordingly, I ORDER the landlord to pay the tenants \$862.00 forthwith and this matter is considered resolved. The parties are further precluded from making any future claims against the other party.

Enclosed with the tenant's copy of this decision is a Monetary Order to ensure payment is made by the landlord. To enforce payment the tenants must serve the Monetary Order upon the landlord and may file it in Provincial Court (Small Claims) to enforce as an Order of that court.

Conclusion

This dispute has been resolved by a settlement agreement. The landlord must pay the tenants \$862.00 forthwith. The tenants have been provided a Monetary Order in the amount of \$862.00. Neither party may make any other claim against the other party with respect to this tenancy.

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 17, 2010.

Dispute Resolution Officer