

Decision

Dispute Codes: MNSD

Introduction

This hearing dealt with an application by the tenant for the double return of a security deposit. Both parties participated in the hearing and gave affirmed testimony.

Issue to be decided

- Whether the tenant is entitled to the above under the Act

Background and Analysis

The parties do not dispute that on behalf of the tenant the ministry paid \$350.00 to the landlord in April 2009. Further, the parties do not dispute that while it was the tenant's intention to move into the unit on May 1, 2009, circumstances led to his not moving into the unit at all.

The parties take differing positions around whether a tenancy agreement had been entered into, whether \$350.00 was a non-refundable deposit, whether \$350.00 was a security deposit, whether the tenant gave proper notice to the landlord of his decision not to move into the unit, and so on.

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

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 mail cheque payment to the tenant in the full amount of \$175.00;
- that the above cheque will be put into the mail by no later than midnight, Friday, April 9, 2010;
- that the above particulars comprise full and final settlement of all aspects of the dispute arising from this tenancy for both parties.

Conclusion

I hereby order the landlord to FORTHWITH make payment to the tenant pursuant to the agreement reached between the parties as set out above.

DATE: April 8, 2010

Dispute Resolution Officer