

DECISION

Dispute Codes MND, MNR, MNSD, MNDC, FF

Introduction

This hearing dealt with the landlords' application for a Monetary Order for damage to the rental unit; unpaid rent; damage or loss under the Act, regulations or tenancy agreement; and, recovery of the filing fee. Both parties appeared at the hearing and confirmed service of documents upon them. Both parties were provided the opportunity to be heard and respond to the submissions of the other parties.

Issues(s) to be Decided

1. Are the landlord's entitled to a Monetary Order and if so, the amount?
2. Is the landlord authorized to retain the tenants' security deposit?
3. Can the parties reach a mutual agreement to settle this dispute?

Background and Evidence

The parties provided undisputed evidence that a fixed term tenancy commenced August 22, 2009 with an expiry date of July 31, 2010. The tenants had paid a \$390.00 security deposit and were required to pay rent of \$780.00 on the last day of the preceding month. On October 30, 2010 the tenants gave notice to end the tenancy at the end of November 2009. The tenancy agreement provides for a liquidated damages clause in the amount of \$300.00. The landlords were able to re-rent the unit as of December 9, 2009.

With this application the landlord was seeking to recover loss of rent; liquidated damages, carpet cleaning, cleaning and trash removal costs from the tenants. Since

the landlord's were able to re-rent the unit, the claim for loss of rent was reduced in their subsequent submissions.

After much discussion, the parties were able to reach a settlement agreement during this hearing that I record as follows:

1. The landlords are authorized to retain the tenants' security deposit;
2. The tenants will also pay the landlords \$210.00 forthwith; and,
3. The parties agree to make no future claims against the other party with respect to this tenancy.

Analysis

I accept the mutual agreement reached between the parties during the hearing and I make it an Order to be binding upon all parties. In accordance with the terms of the settlement, the landlords are hereby authorized to retain the tenants' security deposit and the tenants are ordered to pay the landlords \$210.00 forthwith.

I provide the landlords with a Monetary Order in the amount of \$210.00 to serve upon the tenants. The Monetary Order may be enforced in Provincial Court (Small Claims) as an Order of that court.

Conclusion

This dispute was settled between the parties during the hearing. In accordance with the settlement, the landlords are authorized to retain the tenants' security deposit and the landlords have been provided a Monetary Order in the amount of \$210.00 to serve upon the tenants.

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: May 13, 2010.

Dispute Resolution Officer