

DECISION

Dispute Codes: *MNSD, FF*

Introduction

This hearing dealt with an application by the tenant, pursuant to section 38 of the *Residential Tenancy Act*, for a monetary order for the return of double the security deposit and for the recovery of the filing fee. Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

Issues to be Decided

Is the tenant entitled to the return of double the security deposit and the filing fee?

Background and Evidence

The tenancy started on October 01, 2009 and prior to moving in the tenant paid a security deposit of \$650.00. The tenant moved out on January 31, 2010. The landlord returned \$400.00 to the tenant and retained \$250.00 for damage to the rental unit. The tenant did not agree to the deduction and on March 03, 2010 sent the landlord a registered letter in which she requested the return of the remainder of the security deposit and provided the landlord with a forwarding address. The tenant did not hear back from the landlord and filed this application for the return of double the security deposit. The landlord stated that he did not receive the registered letter.

During the hearing the parties engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

Analysis

Pursuant to Section 63 of the *Residential Tenancy Act*, the dispute resolution officer may assist the parties settle their dispute and if the parties settle their dispute during the hearing, the settlement may be recorded in the form of a decision or an order.

During this hearing, the parties reached an agreement to settle these matters, on the following conditions:

1. The tenant agreed to withdraw her claim for double the security deposit and accept \$250.00 in full settlement of the return of the security deposit.
2. The landlord agreed to pay the tenant \$250.00 and not to pursue his claim against the tenant for the cost of repairs.

The parties agreed that the above particulars comprise full and final settlement of all aspects of the dispute for both parties.

As this dispute was resolved by mutual agreement and not based on the merits of the case, I decline the tenant's request to recover the filing fee paid for this application

Conclusion

Pursuant to the above agreement, I grant the tenant a monetary order under section 67 of the *Residential Tenancy Act* for the amount 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: July 16, 2010.

Dispute Resolution Officer