

Decision

Dispute Codes: MNDC, FF

Introduction

This hearing dealt with an application by the tenants for a monetary order as compensation for damage or loss under the Act, regulation or tenancy agreement, in addition to recovery of the filing fee. Both parties participated in the hearing and gave affirmed testimony.

Issues to be decided

- Whether the tenants are entitled to either or both of the above under the Act, regulation or tenancy agreement

Background and Evidence

Pursuant to a written tenancy agreement entered into on May 2, 2010, the month-to-month tenancy began on May 15, 2010. According to the agreement, monthly rent was \$700.00. A security deposit calculated in the amount of \$350.00 was never collected. By way of telephone on May 13, 2010, landlord “BL” informed the tenants that the unit was not going to be available to them, as other tenants had taken possession. Evidently, unbeknownst to landlord “BL,” another person known to landlord “AC” had entered into a separate tenancy agreement with another party to rent the unit. Landlord “AC” testified that the other party had paid a security deposit on April 11 and had thereafter taken possession of the unit on April 16, 2010. Tenant “LW” challenged this testimony and went on to identify some of the costs incurred by her and tenant “CW” as a result of not being able to take possession of the unit.

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

Analysis

The full text of the Act, regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: www.rto.gov.bc.ca/

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 landlord "BL" will make a cheque payable to tenant "LW" in the full amount of \$750.00, and that a monetary order will be issued in favour of the tenants for this amount;
- that landlord "BL" will personally deliver the above cheque to either tenant "LW" or tenant "CW" by no later than midnight, Wednesday, July 14, 2010;
- that landlord "AC" will reimburse landlord "BL" in the amount of \$375.00 at the earliest possible opportunity;
- that the above particulars comprise full and final settlement of all aspects of the dispute arising from this tenancy for both parties.

Conclusion

Pursuant to section 67 of the Act, I hereby issue a monetary order in favour of the tenants in the amount of \$750.00. Should it be necessary, this order may be served on the landlords, filed in the Small Claims Court and enforced as an order of that Court.

DATE: July 8, 2010

Dispute Resolution Officer