

## **Decision**

**Dispute Codes:** MND, MNSD, FF

### **Introduction**

This hearing dealt with 2 applications: i) by the landlord for a monetary order as compensation for damage to the unit, site or property / retention of the security & pet damage deposits / and recovery of the filing fee; ii) by the tenant for return of the security & pet damage deposits / and recovery of the filing fee. Both parties participated in the hearing and gave affirmed testimony.

### **Issues to be decided**

- Whether either party is entitled to any of the above under the Act

### **Background and Evidence**

Pursuant to a written tenancy agreement, the original fixed term of tenancy was from September 1, 2008 to August 31, 2009. A move-in condition inspection and report were completed at the outset of tenancy. Subsequently, a written tenancy agreement defined a 6 month fixed term of tenancy from September 1, 2009 to March 1, 2010. By way of mutual consent, tenancy ended on or about March 31, 2010.

A security deposit of \$300.00 and a pet damage deposit of \$250.00 were collected near the outset of the original tenancy.

During the hearing the parties 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/](http://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 both parties withdraw their applications to recover the filing fee;
- that the landlord will retain the tenant's full security & pet damage deposits;
- that, further to the above, the tenant will make payment to the landlord in the total amount of \$400.40, and that a monetary order will be issued in favour of the landlord to this effect;
- that the above amount will be paid by way of 4 separate monthly installments, each in the amount of \$100.10;
- that the above installment payments will be made by way of money order, and mailed to the landlord's post office box address;
- that each of the above installment payments will be made by no later than the last day of each of the months of September, October, November and December 2010;
- 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 landlord in the amount of **\$400.40**. Should it be necessary, this order may be served on the tenant, filed in the Small Claims Court and enforced as an order of that Court.

DATE: August 30, 2010

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Dispute Resolution Officer