

Decision

Dispute Codes: MNDC, MNSD, 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 / return of the security deposit / and 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 any or all of the above under the Act, regulation or tenancy agreement

Background and Evidence

Pursuant to a written tenancy agreement, the fixed term of tenancy was from February 15, 2009 to February 15, 2010. Rent in the amount of \$1,595.00 was payable in advance on the first day of each month. A security deposit of \$800.00 was collected on February 1, 2009. There is no evidence of a move-in condition inspection or report.

Briefly, as a result of a water leak into the unit which was discovered on or about October 25, 2009, miscellaneous repairs were required. Completion of these repairs involved a number of different trades-people and the work took place over several weeks. In addition to the disruption experienced by the tenants during this time, certain of their furnishings were damaged by water; in some cases the tenants claim that furnishings were sufficiently damaged that they had to be disposed of.

Arising from all of the above, the tenants withheld payment of rent for December 2009. Thereafter, the landlords issued a 10 day notice to end tenancy for unpaid rent dated December 16, 2009, and the tenants vacated the unit on or about December 20, 2009. There was no move-out condition inspection or report completed by the parties.

During the hearing the parties exchanged views on some of the circumstances surrounding the dispute which included, but were not necessarily limited to, difficulties encountered in trying to contact each other, the nature and extent of the water damage, communication by the tenants to the landlords of a forwarding address, and so on. Discussion also included an undertaking to achieve a final resolution of the dispute.

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 the landlords will make cheque payment to the tenants in the full amount of \$1,650.00;
- that the above cheque will specifically be made payable to tenant "LW,"
- that the above cheque will be put into the mail by no later than midnight, Friday, August 20, 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 tenants in the amount of **\$1,650.00**. 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: August 13, 2010

Dispute Resolution Officer

