

Decision

Dispute Codes: MNDC, MNSD, FF

Introduction

This hearing dealt with an application by the landlord for a monetary order as compensation for damage or loss under the Act, regulation or tenancy agreement / retention 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 landlord is entitled to any 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 June 1, 2009 to May 31, 2010. Rent of \$1,300.00 was payable in advance on the first day of each month. A security deposit of \$650.00 was collected at the outset of tenancy.

By letter dated February 16, 2010, the tenants gave notice of intent to vacate the unit effective March 31, 2010, which was 2 months in advance of the end of the fixed term. The present owner / landlord took possession of the property on or about March 19, 2010, and he testified that new renters were found effective June 1, 2010. In the result, the landlord testified that he incurred a loss of 2 months' rental income.

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/

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 landlord will retain the full security deposit of \$650.00;
- that, additionally, the tenants will pay the landlord \$675.00, and that a monetary order will be issued in favour of the landlord to this effect;
- that the above payment will be made by 2 separate installments by way of cheques made payable to the landlord;
- that the first installment will be in the amount of \$350.00 (which includes half the filing fee of \$25.00), and that this cheque will be put into the mail by no later than midnight, Friday, September 17, 2010;
- that the second installment will be in the amount of \$325.00, and will be put into the mail by no later than midnight, Friday, October 15, 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 **\$675.00**. Should it be necessary, this order may be served on the tenants, filed in the Small Claims Court and enforced as an order of that Court.

DATE: August 31, 2010
