

## **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 / the double 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 of the above under the Act, regulation or tenancy agreement

### **Background and Evidence**

Pursuant to a written tenancy agreement, the 6 month fixed term of tenancy was from November 1, 2009 to April 30, 2010. Thereafter, tenancy was to continue on a month-to-month basis. Rent in the amount of \$1,750.00 was payable in advance on the first day of each month. A security deposit of \$875.00 was collected on October 28, 2009.

The landlord issued a 2 month notice to end tenancy for landlord's use of property dated February 23, 2010. A copy of the notice was submitted into evidence. The date shown on the notice by when the tenants must vacate the unit is April 30, 2010. Subsequently, the tenants gave notice by letter dated March 13, 2010 of their intent to vacate the unit effective March 31, 2010.

The landlord has withheld the tenants' security deposit and takes the position that the tenants owe rent for April 2010.

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 the landlord will pay the tenants \$900.00, and that a monetary order will be issued in favour of the tenants to this effect;
- that the above payment will be made by way of certified cheque;
- that the certified cheque will be made payable to tenant "DJ";
- that the certified cheque will be put into the mail by no later than midnight, Friday, October 1, 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 **\$900.00**. Should it be necessary, this order may be served on the landlord, filed in the Small Claims Court and enforced as an order of that Court.

DATE: September 1, 2010

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Dispute Resolution Officer