

Decision

Dispute Codes: OPB, MNR, MNSD, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession / a monetary order as compensation for unpaid rent / 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 or all of the above under the Act

Background and Evidence

Pursuant to a written tenancy agreement, the fixed term of tenancy was from September 1, 2009 to August 31, 2010. Rent in the amount of \$1,250.00 was payable in advance on the first day of each month. A security deposit of \$625.00 was collected on August 23, 2009.

The tenants vacated the unit on or about April 17, 2010, which is four and one half months prior to the end of the fixed term. Rent was paid up to the end of April 2010. As a result of advertising initiated by the landlord beginning on or about May 20, 2010, new tenants were found effective August 1, 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/

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 tenants will bear responsibility for the landlord's loss of rental income for June and July 2010 in the total amount of \$2,500.00 (2 x \$1,250.00), in addition to the landlord's filing fee of \$50.00 [total: \$2,550.00];
- that the landlord will retain the tenants' full security deposit in the amount of \$625.00;
- that further to the above, the tenants will pay the landlord \$1,925.00 (\$2,550.00 - \$625.00) and that a monetary order will be issued in favour of the landlord to this effect;
- that the above payment will be made by way of e-mail transfer directly into the landlord's bank account;
- that the above payment will be completed by no later than midnight, Friday, September 17, 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 the agreement reached between the parties the dispute is resolved.

I hereby issue a **monetary order** in favour of the landlord in the amount of **\$1,925.00**. 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: September 16, 2010

Dispute Resolution Officer