

Decision

Dispute Codes: MNR, MND, MNDC, MNSD, FF

Introduction

This hearing dealt with an application by the landlord for a monetary order as compensation for unpaid rent / compensation for damage to the unit, site or property / 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 or all of the above under the Act, regulation or tenancy agreement

Background and Evidence

Pursuant to a written tenancy agreement, the tenancy began on August 1, 2003. By the end of tenancy in 2010, monthly rent was \$740.00. A security deposit of \$325.00 was collected on August 1, 2003. A move-in condition inspection and report were completed at the outset of tenancy.

The landlord issued a 1 month notice to end tenancy for cause dated March 26, 2010. Subsequently, the tenant vacated the unit on April 30, 2010. While a walk-through of the unit was undertaken at the end of tenancy, there is no evidence of a move-out condition inspection report before me.

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 reimburse a portion of the tenant's security deposit in the limited amount of \$162.50, and that a monetary order will be issued in favour of the tenant to this effect;
- that the above payment will be undertaken by way of cheque made payable to the tenant but mailed to him in care of his advocate's address,
- that the above payment will be put into the mail by no later than midnight, Wednesday, October 6, 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 tenant in the amount of \$162.50. 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 29, 2010

Dispute Resolution Officer