

## **DECISION**

Dispute Codes      MNSD FF

### Introduction

This hearing dealt with an Application for Dispute Resolution by the Tenants to obtain a Monetary Order for the return of their security deposit and to recover the cost of the filing fee from the Landlord for this application.

Service of the hearing documents, by the Tenants to the Landlords, was sent via registered mail on June 8, 2010. Mail receipt numbers were provided in the Tenants' evidence. The Landlord confirmed receipt of the hearing package.

The Landlord and Tenants appeared, acknowledged receipt of evidence submitted by the other, gave affirmed testimony, were provided the opportunity to present their evidence orally, in writing, and in documentary form.

### Issues(s) to be Decided

Are the Tenants entitled to a Monetary Order pursuant to section 67 of the *Residential Tenancy Act*?

### Background and Evidence

I heard undisputed testimony that the parties entered into a fixed term tenancy which began on October 1, 2007 and switched to a month to month tenancy after September 30, 2008. Rent was payable on the first of each month in the amount of \$855.00 and the Tenants paid a security deposit of \$412.50 on October 1, 2007. A move-in inspection report was completed in the presence of the Tenants and approximately mid

June 2009 the Landlord conducted a pre-move out inspection. The Tenants vacated the rental unit June 30, 2009.

During the course of the hearing the parties reached an agreement to settle these matters.

### Analysis

The parties reached a settlement agreement on the following conditions:

1. the Tenants withdraw their application;
2. the Landlord retains the \$412.50 security deposit plus any accrued interest; and
3. in consideration for this mutual settlement the parties agree that no further claims will be made by either party whatsoever arising from this tenancy.

As this matter was settled I decline to award recovery of the filing fee.

### Conclusion

No further action is required on this file in the presence of the settlement, therefore the file is closed.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: October 20, 2010.

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Dispute Resolution Officer