

Decision

Dispute Codes: MNSD

Introduction

This hearing dealt with an application by the landlord for retention of a portion of the security deposit. Both parties participated in the hearing and gave affirmed testimony.

Issue to be decided

Whether the landlord is entitled to the above under the Act

Background and Evidence

Pursuant to a written tenancy agreement, the fixed term of tenancy was from October 15, 2009 to April 30, 2010. Rent in the amount of \$1,800.00 was payable in advance on the first day of each month. A security deposit of \$900.00 was collected on October 13, 2009. A move-in condition inspection and report were completed by the parties on October 13, 2009.

Consistent with the tenancy agreement, the tenant vacated the unit on April 30, 2010. For a number of reasons, a move-out condition inspection and report were not completed with both parties present. The landlord repaid one half the security deposit in the amount of \$450.00, and applied to retain the balance of \$450.00 to cover costs associated with both, general cleaning and carpet cleaning in the unit.

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 \$300.00 from the amount of \$450.00 still held from the tenant's security deposit;
- that the landlord will repay the balance to the tenant in the amount of \$150.00 (\$450.00 - \$300.00), and that a monetary order will be issued in favour of the tenant to this effect;
- that the above payment will be by cheque made payable to tenant "SR;"
- that the above cheque 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 tenant in the amount of **\$150.00**. 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: October 13, 2010

Dispute Resolution Officer