

Decision

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

Introduction

This hearing dealt with two applications: i) by the landlord(s) for a monetary order as compensation for unpaid rent; compensation for damage to the unit; compensation for damage or loss under the Act, regulation or tenancy agreement; retention of the security deposit; and recovery of the filing fee; ii) by the tenant for a monetary order as compensation for damage or loss under the Act, regulation or tenancy agreement; an order instructing the landlord(s) to return the tenant's personal property; and recovery of the filing fee. Both parties participated in the hearing and gave affirmed testimony.

Issues to be decided

- Whether either party is entitled to any of the above under the Act, regulation or tenancy agreement

Background and Evidence

During the hearing the parties exchanged views on some of the circumstances surrounding what is a longstanding 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 tenant will pay the landlord(s) the total amount of \$7,600.00, and that a monetary order will be issued in favour of the landlord(s) to that effect;
- that the above amount takes into consideration all aspects of costs claimed by the landlord(s) which include, but are not necessarily limited to, unpaid rent for June, July & August of 2008, storage fees, and repairs to damage in the unit;
- that \$2,000.00 of the above amount will be paid in cash and in person at the landlord(s)' office by no later than noon on Friday, October 8, 2010;
- that monthly installment payments in the total remaining amount of the balance of \$5,600.00 (\$7,600.00 - \$2,000.00) will be made as follows:
 - i) \$1,000.00: *November 2010*
 - ii) \$1,000.00: *December 2010*
 - iii) \$1,000.00: *January 2011*
 - iv) \$1,000.00: *February 2011*
 - v) \$1,000.00: *March 2011*
 - vi) \$600.00: *April 2011*
- that the above installment payments will be made by way of bank draft;
- that the above installment payments will be delivered by way of courier to the landlord(s)' office by no later than midnight, on the first day of each of the above months, **OR** put into the mail to the landlord(s)' office by way of registered mail by no later than midnight on the first day of each of the above months;

- that immediately following the tenant's cash payment of \$2,000.00 on October 8, 2010, as above, the landlord will provide the tenant with all contact particulars concerning how he may proceed to take possession of all personal belongings held by the landlord(s) in a storage facility located in Abbotsford;
- that the tenant will undertake to attend the storage facility with able bodied assistance and a large vehicle (preferably a truck) in order to take possession of his belongings, on Friday, October 8, 2010 between 3:30 and 4:00 p.m.
- 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 landlord(s) in the amount of **\$7,600.00**. Should it be necessary, this order may be served on the tenant, filed in the Small Claims Court and enforced as an order of that Court.

DATE: October 7, 2010

Dispute Resolution Officer