

Decision

Dispute Codes: MNDC, MNSD, FF

Introduction

This hearing dealt with two applications: i) by the tenants for the double return of the security deposit and recovery of the filing fee; ii) by the landlord for a monetary order as 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 either party is entitled to any of the above under the Act, regulation or tenancy agreement

Background and Evidence

Pursuant to a written tenancy agreement, the fixed term of tenancy was from July 1, 2009 to June 30, 2010. However, tenancy ended May 31, 2010 and new tenants took possession of the unit effective June 1, 2010.

Rent in the amount of \$1,300.00 was payable in advance on the first day of each month. A security deposit of \$650.00 was collected near the start of tenancy. A move-in condition inspection and report were undertaken by one of the tenants without the participation of the landlord. A move-out condition and report were not completed.

During the hearing the parties exchanged views on some of the circumstances surrounding the dispute and undertook to achieve a resolution. Matters discussed included, but were not necessarily limited to, the condition of the unit at the end of tenancy, whether or not certain damage was in excess of normal wear and tear, the adequacy of general cleaning as well as carpet cleaning at the end of tenancy, the disposition of the vacuum cleaner at the end of tenancy, the manner in which the

tenants provided the landlord with their forwarding address, whether or not any understanding had been reached between the parties as to the landlord's withholding of a portion of the security deposit, and so on.

Analysis

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 pay the tenants \$370.00, and that a monetary order will be issued in favour of the tenants to this effect;
- that the above payment will be by cheque made payable to tenant "SM";
- that the above cheque will be put into the mail by no later than midnight, Friday, November 19, 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 tenants in the amount of \$370.00. 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: November 15, 2010

Dispute Resolution Officer