

Decision

Dispute Codes: MNDC, MNSD, FF

Introduction

This hearing dealt with an application by the landlord for a monetary order as compensation for damage or loss under the Act, regulation or tenancy agreement, retention of a portion 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 original one year fixed term of tenancy began on August 31, 2006. Thereafter, tenancy continued on a month-to-month basis until May 31, 2010. Monthly rent was originally \$940.00, and had reached \$1,073.00 by the end of tenancy. A security deposit of \$470.00 was collected at the start of tenancy. The parties agree that a move-in condition inspection and report were completed at the outset of tenancy.

For a number of reasons, the move-out condition inspection did not involve the participation of both parties. However, a move-out condition inspection report was signed by the parties on June 1, 2010. Following this, the landlord withheld \$160.00 from the security deposit for costs arising from cleaning in the unit, and returned the balance to the tenant by cheque in the amount of \$310.00. The tenant disputes that the unit required cleaning to the extent claimed by the landlord.

During the hearing the parties exchanged views on some of the circumstances surrounding the dispute and undertook to achieve a resolution.

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 repay \$80.00 to the tenant from the amount of \$160.00 which is still currently held, and that a monetary order will be issued in favour of the tenant to that effect;
- that the above payment will be made by way of cheque;
- that the above cheque will be put into the mail by no later than midnight, Tuesday, November 30, 2010;
- that the landlord withdraws the aspect of the application concerning recovery of the \$50.00 filing fee;
- that in the event the tenant finds that the landlord's previously issued / yet still uncashed cheque is now stale dated, the landlord agrees to re-issue that cheque;
- 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 \$80.00. 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 25, 2010

Dispute Resolution Officer

