

Decision

Dispute Codes: MNSD, FF

Introduction

This hearing dealt with an application by the tenants for the double return of the security deposit, in addition to recovery of the filing fee. Both parties participated in the hearing and gave affirmed testimony.

Issues to be decided

- Whether the tenants are entitled to the above under the Act

Background and Evidence

Pursuant to a written tenancy agreement, the month-to-month tenancy began on August 22, 2009. Monthly rent was \$1,400.00, and there are varying accounts as to the date when it was due and payable: either the 21st, the 22nd or the 26th of each month. A security deposit of \$700.00 was collected near the outset of tenancy.

The tenants gave written notice by letter dated April 26, 2009, of their intent to end the tenancy on May 26, 2009. The tenants claim that when they moved out on May 26, 2009 they hand delivered to the landlord a letter dated May 18, 2009, in which they provided their forwarding address for the purposes of returning the security deposit. Subsequently, the parties attempted but without success to resolve the disposition the security deposit, and the landlord ultimately retained the full security deposit.

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 agreed-upon date each month when rent was due, the condition of the unit at the time when tenancy ended, the statutory provisions concerning proper notice to end tenancy, the statutory provisions concerning return 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 \$750.00, and that a monetary order will be issued in favour of the tenants to this effect;
- that the above payment will be made in one of the following ways: i) personal cheque; ii) bank cheque; iii) postal money order, or iv) bank draft;
- that the above payment will be put into the mail by no later than midnight, Friday, December 3, 2010;
- that the above particulars comprise full and final settlement of all aspects of the dispute arising from this tenancy for both parties, such that neither will file an application for dispute resolution in future which concerns this tenancy.

Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the tenants in the amount of **\$750.00**. 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 29, 2010

Dispute Resolution Officer