



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

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

Introduction

This hearing dealt with applications by the landlord and the tenant, pursuant to the *Residential Tenancy Act*. The landlord applied for a monetary order for the value of her belongings that were stored in the crawl space of the rental unit, for the filing fee and to retain the security and pet deposits in partial satisfaction of her claim. The tenant applied for a monetary order for clean up and restoration of the crawl space after the hot water tank broke down, for the return of the deposits and for the filing fee.

Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

Issues to be decided

Has the landlord established a claim for a monetary order for the value of her belongings that are currently stored in the crawl space of the rental property? Is the landlord entitled to keep the security and pet deposits or has the tenant established a claim for their return? Is the tenant entitled to a monetary order for the restoration of water damage?

Background and Evidence

The tenancy started on May 01, 2009. The tenancy ended on June 30, 2010, when the tenant took possession of the property subsequent to a contract of sale between both parties. The rent was \$1,900.00 and the tenant paid a security deposit in the amount of \$950.00 and a pet deposit in the amount of \$950.00.

The claims made by both parties against each other were discussed at length. During the hearing the parties engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

Analysis

Pursuant to Section 63 of the *Residential Tenancy Act*, the dispute resolution officer may assist the parties settle their dispute and if the parties settle their dispute during the hearing, the settlement may be recorded in the form of a decision or an order. During this hearing, the parties reached an agreement to settle these matters, on the following conditions:

1. The landlord agreed to pay the tenant \$950.00 on or before **November 30, 2010** in full settlement of her claim against the tenant to retain the security and pet deposits.
2. The tenant agreed to accept \$950.00 in full settlement of her claim against the landlord for the return of the security and pet deposits. A monetary order will be issued in favour of the tenant for this amount.
3. The landlord agreed to remove her possessions from the property by prior arrangement with the tenant no later than **December 15, 2010**.
4. Both parties agreed that the above particulars comprise **full and final settlement** of all aspects of the dispute for both parties.

Conclusion

Pursuant to the above agreement, I grant the tenant a monetary order under section 67 of the *Residential Tenancy Act* for the amount of **\$950.00**. This order may be filed in the Small Claims Court and enforced as an order of that Court.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: November 17, 2010.

Dispute Resolution Officer