

Decision

Dispute Codes: MNDC, MNSD, FF

Introduction

Previously, a hearing was convened on November 10, 2010 in response to the tenants' application for a monetary order as compensation for damage or loss under the Act, regulation or tenancy agreement / the double return of the security deposit / and recovery of the filing fee. While the landlord's agent was present for the hearing, the tenants were not, and the tenants' application was therefore dismissed.

Subsequently, the tenants applied for a review of the decision on the grounds that they were unable to attend the hearing because of circumstances that could not be anticipated and were beyond their control. By decision dated November 30, 2010, the tenants' application was granted, and a new hearing was convened. Both parties participated in this hearing and gave affirmed testimony.

Issues to be decided

- Whether the tenants are 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 month-to-month tenancy began on July 15, 2009. Monthly rent was \$1,300.00, and a security deposit of \$650.00 was collected.

The landlord issued a 2 month notice to end tenancy for landlord's use of property dated April 15, 2010. The date shown on the notice by when the tenants must vacate the unit is July 1, 2010. On May 21, 2010 the tenants provided the landlord with 10 days notice to end the tenancy, and then vacated the unit on or about May 31, 2010.

By e-mail dated June 8, 2010, the tenants informed the landlord of their forwarding address, and by e-mail dated June 23, 2010, the tenants requested the return of their

security deposit. However, there was a delay in the tenants' receipt of the security deposit, in addition to funds pursuant to which they were entitled as a result of the 2 month notice. This led to the tenants' application for dispute resolution.

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 pay the tenants \$650.00, and that a monetary order will be issued in favour of the tenants to this 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, Wednesday, December 22, 2010;
- that the above particulars comprise full and final settlement of all aspects of the dispute which arise 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 \$650.00. 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: December 17, 2010

Dispute Resolution Officer