

Decision

Dispute Codes: MNDC, MNSD, FF

Introduction

This hearing dealt with 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. Both parties participated in the 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, a copy of which is not in evidence, the month-to-month tenancy began on January 1, 2010. Monthly rent was \$995.00 and a security deposit of \$497.50 was collected at the outset of tenancy. It does not appear that a move-in condition inspection report was completed.

Sometime in May 2010 the tenants' informed the landlord in writing of their intent to end the tenancy at the close of June 2010. Thereafter, the tenants vacated the unit on or about June 30, 2010, and it is understood that the tenants informed the landlord of their forwarding address at that time. It does not appear that a move-out condition inspection report was completed.

Despite the tenants' request to have the full security deposit returned, for reasons related to cleaning and certain repairs, the landlord withheld \$232.20 and returned the balance to the tenants of \$265.30 (\$497.50 - \$232.20).

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

Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: www.rto.gov.bc.ca/

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 FORTHWITH pay the tenants \$314.20, and that a monetary order will be issued in favour of the tenants for this amount;
- that the above payment is comprised as follows:
 - i) \$232.20: amount of security deposit withheld by landlord
 - ii) \$32.00: deposit paid by tenants for garage remote
 - iii) \$50.00: tenants' filing fee
- 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 \$314.20. 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 16, 2010

Dispute Resolution Officer