

Decision

Dispute Codes: MNDC, FF

Introduction

This hearing dealt with an application by the tenants for a monetary order as compensation for damage or loss under the Act, regulation or tenancy agreement / 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 the above under the Act, regulation or tenancy agreement

Background and Evidence

Pursuant to a written tenancy agreement, the original fixed term of tenancy was from December 1, 2007 to November 30, 2008. Thereafter, tenancy continued on a month-to-month basis. After the tenants' employment with the landlord ended, the tenants were required to pay rent effective from November 1, 2010. Monthly rent is \$800.00. While the tenants state that they effectively vacated the unit on or around September 15, 2010, they retain keys to the unit and have still not entirely removed all of their possessions. No rent has been paid for either November or December 2010.

The tenants claim that they incurred losses arising from the landlords' having shut off power to their unit. Losses include, but are not necessarily limited to, fresh water fish, salt water fish, and spoiled foodstuffs in the refrigerator and freezer. The landlords claim they were not responsible for shutting off power to the tenants' unit, and argue that the tenants breached the tenancy agreement by keeping a fish tank(s) in the unit.

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 tenants withdraw their application;
- that the landlords undertake not to file an application for dispute resolution in which they seek compensation from the tenants for unpaid rent / loss of rental income or any other loss arising from the tenancy;
- that the landlords will pay \$25.00 to the tenants by way of cheque, and that a monetary order will be issued in favour of the tenants to that effect;
- that the above payment represents half the \$50.00 filing fee paid by the tenants;
- that the above cheque will be made payable to tenant "S. d-L." and will be put into the mail by not later than midnight, Thursday, December 23, 2010;
- 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 **\$25.00**. Should it be necessary, this order may be served on the landlords, filed in the Small Claims Court and enforced as an order of that Court.

DATE: December 20, 2010

Dispute Resolution Officer