

Decision

Dispute Codes: MNDC, MNSD, FF

Introduction

This hearing dealt with two applications: i) by the tenant for a monetary order as compensation for damage or loss under the Act, regulation or tenancy agreement / and recovery of the filing fee; ii) by the landlord for a monetary order as compensation for damage or loss under the Act, regulation or tenancy agreement / retention 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 either party is entitled to any of the above under the Act, regulation or tenancy agreement

Background and Evidence

Pursuant to a written tenancy agreement, the fixed term of tenancy was from September 1, 2010 to February 28, 2011. Monthly rent was \$900.00 and a security deposit of \$450.00 was collected on or about August 14, 2010. A move-in condition inspection and report were completed by the parties on September 1, 2010.

Arising from a variety of concerns about the condition of the unit which she states came to her attention after she had taken possession, the tenant moved her possessions out of the unit on September 6, 2010. Subsequently, the tenant returned the keys to the landlord on September 22, 2010. Thereafter, the landlord found new renters for the unit effective from October 1, 2010.

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 reimburse the tenant's security deposit and her filing fee in the total amount of \$500.00 (\$450.00 + \$50.00), and that a monetary order will be issued in favour of the tenant to that effect;
- that the above payment will be made by way of cheque and mailed to the tenant;
- that the above cheque will be put into the mail by no later than midnight, Friday, January 14, 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 tenant in the amount of \$500.00. 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: January 10, 2011

Dispute Resolution Officer