

Decision

Dispute Codes: MNDC, MNSD, FF

Introduction

This hearing dealt with the tenant's 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 tenant is entitled to any or all of the above under the Act, regulation or tenancy agreement

Background and Evidence

A copy of the written tenancy agreement is not in evidence for this month-to-month tenancy which began on August 1, 2010. The first month's rent of \$950.00 and a security deposit of \$475.00 were both collected at the outset of tenancy. Within days of moving into the unit, the tenant determined that it was unsatisfactory in regard to the level of cleanliness and the need for repairs. As the tenant concluded that he was unlikely to obtain satisfaction from the landlord in relation to these concerns, he vacated the unit on August 11, 2010. Subsequently, by letter dated August 15, 2010, the tenant informed the landlord of his forwarding address and set out his intention to "recoup monetary amounts including the damage deposit and in whole or part of the rent." Thereafter, the landlord stated that new renters were not found until October 15, 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 in the full amount of his security deposit which is \$475.00, and that a monetary order will be issued in favour of the tenant to this effect;
- that the above reimbursement will be by cheque made payable to the tenant;
- that the above cheque will be made available for the tenant to pick up from the unit mailbox anytime after 2:00 p.m., Tuesday, January 18, 2011;
- 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 **\$475.00**. 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 18, 2011

Dispute Resolution Officer