

Decision

Dispute Codes: MNR, MNSD, MNDC, FF

Introduction

This hearing dealt with the landlord's application for a monetary order as compensation for unpaid rent / 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.

As the tenant no longer occupies the unit, the aspect of the landlord's original application concerning an order of possession is withdrawn. During the hearing the parties agreed to amend the original application to include a monetary order as compensation for damage or loss under the Act, regulation or tenancy agreement.

Issues to be decided

- Whether the landlord is 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 tenancy began approximately 2 years ago. Rent in the amount of \$675.00 plus utilities in the amount of \$125.00 were payable in advance on the first day of each month. A security deposit of \$337.50 was collected at the outset of tenancy. A move-in condition inspection and report were not completed.

Arising from rent and utilities which were unpaid when due on November 1, 2010, the landlord issued a 10 day notice to end tenancy for unpaid rent or utilities dated November 16, 2010. Subsequently, the tenant made no further payment toward rent and, as the landlord determined that the unit had been abandoned, the landlord changed the locks on the unit sometime in early to mid December 2010. Upon entering the unit, the landlord found there was a need for considerable cleaning and repairs. Thereafter, the tenant attended the unit and collected some of his belongings, however, those which remain have been stored by the landlord. A move-out condition inspection report was not completed.

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 tenant will attend the unit in order to pick up all of his remaining possessions at 3:00 p.m., Sunday, January 30, 2011;
- that the landlord will retain the tenant's full security deposit of \$337.50;
- that, further to the above, the tenant will make payment to the landlord in the total amount of \$2,058.74, and that a monetary order will be issued in favour of the landlord to this effect; this amount is calculated as follows:

\$800.00: rent and utilities for November 2010

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\$604.78: repair / replacement of living room carpet & flooring

\$141.46: repair / replacement of window ledge in living room

\$50.00: filing fee

Sub-total: \$2,396.24

Subtract: \$337.50 (security deposit)

Balance: \$2,058.74

- that the landlord withdraws the aspect of the application concerning costs associated with cleaning and repairs in the washroom;
- that the tenant will make installment payments by either Postal Money Order or Bank Money Order by the 15th day of each month in the amount of at least \$150.00 until the entire total payment of \$2,058.74 has been made;
- that the first payment will be made by February 15, 2011;
- that the above payments will be mailed to the landlord;

- that while the amount of the tenant's monthly payment may exceed \$150.00 in any given month, a schedule for minimal monthly payments is as follows:

2011

15th of each of February, March, April, May, June, July, August, September, October, November & December

$\$150.00 \times 11 = \$1,650.00$

2012

15th of each of January & February

$\$150.00 \times 2 = \300.00

15th of March

$\$108.74$

- 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 landlord in the amount of **\$2,058.74**. Should it be necessary, this order may be served on the tenant, filed in the Small Claims Court and enforced as an order of that Court.

DATE: January 24, 2011

Dispute Resolution Officer