



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes MNR, MNSD, MNDC, FF

Introduction

This conference call hearing was convened in response to the landlord's application for an order of Possession, a Monetary Order, and to recover the filing fees associated with this application.

Both parties attended the hearing and provided affirmed testimony. They presented oral evidence and confirmed receipt of the material they intended to submit at the hearing.

Issue(s) to be Decided

Is the landlord entitled to a Monetary Order, and for what amount?

Background and Evidence

The rental unit consists of a one bedroom apartment in a multi unit complex located in Abbotsford. Pursuant to a written agreement, the fixed term tenancy was based on a one year lease starting on November 1st, 2009 and ending on November 1st, 2010, at a rate of \$725.00 payable on the first of each month. The tenant paid a security deposit in the amount of \$362.50 and a pet damage deposit in the amount of \$200.00. Inspection condition reports were completed at the start and the end of the tenancy. Attached to the tenancy agreement was a Rental Incentive Agreement signed by the parties wherein the tenant benefited of a \$120.84 monthly discount on the rent, provided that the tenant did not break the lease agreement.



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At the hearing, the landlord testified that the tenant ended the tenancy prematurely on August 31st, 2010. The landlord submitted that the monetary claim being sought includes a reimbursement for 8 months of discounted rent.

The tenant testified that she was unemployed and that she broke the lease because she found a form of employment providing her with free accommodations.

After the submissions, the parties agreed to achieve an informal resolution to this dispute.

Analysis

Section 63 of the *Residential Tenancy Act* provides for the parties to resolve their dispute during the dispute resolution proceedings. Accordingly, the parties have agreed to the following:

- The tenant will pay the landlord \$50.00 per month starting in February 2011.
- Upon securing employment, the tenant will increase those payments until the debt is fully paid.

Conclusion

The landlord has kept the tenant's security and pet damage deposits for the combined sum of \$562.50. Pursuant to Section 67 of the Act, I authorize the landlord to retain this amount. I award the landlord recovery of the \$50.00 filing fee and grant the landlord a monetary order for the balance owing of \$685.90.



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Should it be necessary, This Order may be registered in the Small Claims Court and enforced as an order of that Court.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: January 13, 2011.

Residential Tenancy Branch