

## **Decision**

**Dispute Codes:** MNDC, MNSD, OLC, ERP, RP, RPP

### **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 / return of a portion of the security deposit / an order instructing the landlord to comply with the Act, Regulation or tenancy agreement / an order instructing the landlord to make emergency repairs for health or safety reasons / an order instructing the landlord to make repairs to the unit, site or property / and an order instructing the landlord to return the tenants' personal property. Both parties participated in the hearing and gave affirmed testimony.

### **Issues to be decided**

- Whether the tenants are entitled to any or all of the above under the Act, regulation or tenancy agreement

### **Background and Evidence**

Pursuant to a written tenancy agreement, the original year-long term of tenancy was from October 1, 2009 to September 30, 2010. Monthly rent was \$700.00, and a security deposit of \$350.00 was collected. A move-in condition report was signed off by both parties, however, for a number of reasons a move-out condition inspection report was not completed. Following the landlord's withholding of \$84.00 from the security deposit for carpet cleaning, the landlord mailed a cheque to the tenants for the balance of \$266.00 (\$350.00 - \$84.00). Thereafter, the tenants filed an application for dispute resolution in which they set out a variety of concerns related to the tenancy.

During the hearing the parties exchanged views on some of the circumstances surrounding the dispute and undertook to achieve a resolution. Matters discussed included, but were not necessarily limited to, the condition of the unit at the start of the tenancy, different understandings reached between the parties in regard to remedying concerns about the fridge & stove, as well as about the smell in the unit, and so on.

### **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/](http://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 pay \$50.00 to the tenants, and that a monetary order will be issued in favour of the tenants to this effect;
- that the above payment will be made by way of cheque made payable in the names of both tenants;
- that the above cheque will be hand-delivered to the tenants at their current address on February 14, 2011 (today), between 3:00 and 5:00 p.m.;
- 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 **\$50.00**. 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.

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*.

DATE: February 14, 2011

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Residential Tenancy Branch