



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes MND MNSD FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord to obtain a Monetary Order for damage to the unit, site or property, to keep all or part of the security deposit, and to recover the cost of the filing fee from the Tenant for this application.

Service of the hearing documents, by the Landlord to the Tenant, was done in accordance with section 89 of the *Act*, sent via registered mail on November 9, 2010. The Tenant confirmed receipt of the hearing documents.

The parties appeared at the teleconference hearing, acknowledged receipt of evidence submitted by the other, gave affirmed testimony, were provided the opportunity to present their evidence orally, in writing, and in documentary form, and to cross examine each other.

Issue(s) to be Decided

1. Has the Tenant breached the *Residential Tenancy Act*, regulation or tenancy agreement?
2. If so, has the Landlord met the burden of proof to obtain a monetary order as a result of that breach?

Background and Evidence

At the outset of the hearing the parties advised they had reached an agreement to settle these matters.

Analysis

During the course of the hearing, the parties confirmed they agreed to settle this matter on the following conditions:

1. the Landlord withdraws her application;
2. the Tenant agrees to allow the Landlord to withhold \$436.60 from her security deposit of \$775.00 plus interest to cover the costs of utilities of \$277.56 plus cleaning of \$58.24 plus blind cleaning of \$100.80; and
3. the Landlord will return the balance of the security deposit plus interest in the amount of **\$355.59** (security deposit \$775.00 + 17.19 interest less \$436.60); and
4. in consideration for this mutual settlement a Monetary Order will be issued in favour of the Tenant.

The \$50.00 filing was not part of the settlement amount; therefore I decline to award recovery of the filing fee.

Conclusion

The Tenant's decision will be accompanied by a Monetary Order in the amount of **\$355.59**. This Order must be served on the Landlord and may be filed in Provincial 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: February 21, 2011.

Residential Tenancy Branch