



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes O

Introduction

This hearing dealt with an Application for Dispute Resolution by the Tenant seeking to have the Landlord accept his offer moving out a week early and of forfeiture of his security deposit in return for the Landlord's agreement not to pursue the March 2011 rent.

The Tenant and the Landlord's Agent appeared, gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and make submissions to me.

I have reviewed all oral and written evidence before me that met the requirements of the rules of procedure. However, only the evidence **relevant** to the issues and findings in this matter are described in this Decision.

Issue(s) to be Decided

Is the Tenant entitled to the remedy sought?

Background and Evidence

This tenancy began on November 1, 2007, and has not yet ended. The testimony and evidence of the Tenant indicates that on February 3, 2011, he gave notice of his intention to move out of the rental unit effective March 1, 2011.

The Tenant has applied seeking the Landlord's agreement to accept the forfeiture of his security deposit in lieu of the Landlord's agreement to not seek the March 2011 rent from him.

Analysis

There is no remedy under the *Residential Tenancy Act* (the “Act”) for which the Tenant seeks relief. I find the Tenant’s application for the disposition of his security deposit premature as the tenancy has not yet ended.

Additionally I have no authority under the Act to force the Landlord to accept a settlement offer or prevent the Landlord from seeking its own relief under the Residential Tenancy Act.

Conclusion

I find the Tenant’s Application for disposition of the security deposit and request for a settlement with the Landlord to be premature and beyond my authority under the Residential Tenancy Act. Therefore I dismiss the Tenant’s application for “other,” without leave to re-apply.

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