



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes MND, MNR, MNSD, FF, SS

Introduction

This conference call hearing was convened in response to the landlord's application for a Monetary Order for damage to the unit, for unpaid rent, to keep all or part of the security deposit; to serve documents or evidence in a different way than required by the Act; and to recover the filing fee associated with this application.

Both parties attended the hearing and provided affirmed testimony. They were given a full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

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

Is the landlord entitled to keep all or part of the security deposit?

Is the landlord entitled to recover the filing fee?

Background and Evidence

At the hearing, the landlord testified that she had achieved a tentative informal resolution to this dispute. She stated that she agreed to receive 5 post dated from the tenant for the combined sum of \$450.00 along with a letter confirming the tenant's forwarding address.

The tenant testified that she sent the cheques in the mail on March 14th, 2011 however the landlord stated that she has not received them yet.

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 provided the landlord with her forwarding address at the hearing.
- The tenant agreed to compensate the landlord in the sum of \$450.00 as a final resolution to this dispute in the following manner:
 - o A \$50.00 cheque dated March 25th, 2011 as the first instalment.
 - o Four \$100.00 post cheques dated for the 25th day of the next consecutive months until July 25th, 2011.

Conclusion

In the event of non-compliance with the above, pursuant to Section 67 of the Act I grant the landlord a monetary order for \$450.00. If 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: March 16, 2011.

Residential Tenancy Branch