



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes MND, MNR, MNSD, FF
 MNSD, FF

Introduction

This hearing dealt with cross applications from the landlord and tenant. The landlord's application is for a monetary order for damage to the unit, unpaid rent or utilities, to keep all or part of the security deposit and recovery of the filing fee. The tenant's application is for a monetary order for return of the security deposit and recovery of the filing fee. Both parties participated in the conference call hearing.

Issue(s) to be Decided

Is either party entitled to any of the above under the Act.

Background and Evidence

This tenancy began May 2009 with monthly rent of \$1195, the tenant paid a security deposit of \$650.00.

The landlord stated that he would like to withdraw his claim and offer a settlement to the tenant and return \$400.00 of the tenant's \$650.00 security deposit. The landlord would keep \$250.00 of the security deposit for labour and dump fees. The landlord stated that he would have painted the rental unit to prepare it for sale and that he did not think it fair to claim against the tenant for these costs. The landlord stated that the tenant had been a good tenant throughout the tenancy and that he wished to end things on a positive note.

The tenant stated that she would be in agreement to the landlord's offer to settle both claims and accept return of \$400.00 of the \$650.00 security deposit.

Analysis

Per Section 63 of the *Act* the parties in this hearing have reached a settlement whereby the landlord will return \$400.00 of the \$650.00 security deposit to the tenant.

With this settlement the landlord's application and tenant's application are hereby dismissed without leave to reapply.

Neither party is entitled to recovery of the filing fee.

Conclusion

A settlement was reached between the parties whereby the landlord will return \$400.00 of the \$650.00 security deposit to the tenant.

With this settlement the landlord's application and the tenant's application are hereby dismissed without leave to reapply.

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 3, 2011.

Residential Tenancy Branch