



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## **DECISION**

Dispute Codes      MNDC, MNSD, FF

### Introduction

This conference call hearing was convened in response to the tenant's application for a monetary order for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement, the return of all or part of the security deposit, and to recover the filing fees associated with this application.

### Issue(s) to be Decided

Is the tenant entitled to a Monetary Order, and for what amount?

Is the tenant entitled to the return of the security deposit?

Is the tenant entitled to recover the filing fee?

### Background and Evidence

The rental unit consists of a single family home. Pursuant to a written agreement, the month to month tenancy started on June 15<sup>th</sup> 2010. The rent of \$1050.00 was payable on the first of each month. The tenant paid a security deposit of \$525.00

The parties exchanged their views on the circumstances of this tenancy at length, including a previous decision dated December 8<sup>th</sup>, 2010. It was not disputed that the tenant paid the landlord \$1875.00 in unpaid rent and other costs related to the tenancy. At dispute was whether the tenant owed rent until January 31<sup>st</sup>, 2011, or until she moved out of the unit on January 15<sup>th</sup>, 2011.

After lengthy deliberations, the tenant made the following calculations:

- Money owed as per RTB order dated December 8 <sup>th</sup> , 2010:	\$1005.87
- Money owed for January 2011 rent:	\$1050.00
- Sub-Total:	\$2055.87
- Less money paid to the landlord to date:	\$1875.00
- Balance owing to the landlord:	\$ 180.87

The parties undertook to achieve a resolution to this dispute based on the above amount owed to the landlord.

### 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 will pay the landlord \$180.87 as settlement for unpaid rent in this dispute.
- The \$525.00 security deposit was applied by the landlord for the tenant's rent arrears and cannot be subject to future claim for dispute resolution by either party.
- The landlord is granted a monetary order for \$180.87.

### Conclusion

Pursuant to Section 67 of the Act, I grant the landlord a monetary order for \$180.87. 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: April 28, 2011.

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Residential Tenancy Branch