



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes MNSD, MNR, FF

Introduction

This hearing dealt with an Application for Dispute Resolution filed by the Landlord, requesting an order for monetary compensation for unpaid rent, for losses arising from the Tenant breaking a fixed term lease early, to retain the security deposit in partial satisfaction of the claim, and to recover the filing fee.

Both parties appeared, gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions to me.

I have reviewed all oral and written evidence before me that met the requirements of the rules of procedure.

I note that the Landlord submitted all its' evidence late. The Tenant testified he had not received the evidence either.

I note the rules of procedure, section 3.4, require that evidence which is available at the time the Application is filed must be filed at that time as well. When the Landlord filed their Application December of 2010, the Landlord failed to do this. The Landlord also failed to submit the evidence to the branch and the Tenant on time for the hearing, and therefore, all the Landlord's evidence is inadmissible.

The Agent for the Landlord requested an adjournment in order that the Tenant may receive the evidence. I denied the request for an adjournment, since it would not rehabilitate late evidence for the original hearing.

Conclusion

During the course of the hearing the parties came to a mutual agreement to resolve the dispute. The parties requested I record the agreement in this Decision.

The parties agreed that the Landlord shall keep the Tenant's security deposit in full and final satisfaction of all claims against the Tenant.

The parties are commended for reaching an agreement in this matter.

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 15, 2011.

Residential Tenancy Branch