



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

Decision

Dispute Codes: OPB, MNR, MNDC, MNSD, FF

Introduction

This hearing dealt with 2 applications: i) by the landlords for an order of possession / a monetary order as compensation for unpaid rent / compensation for damage or loss under the Act, regulation and tenancy agreement / and recovery of the filing fee; ii) by the tenants for a monetary order as compensation for damage or loss under the Act, regulation or tenancy agreement / compensation for the double return of the security and/or pet damage deposit(s) / and recovery of the filing fee.

Both parties participated in the hearing and gave affirmed testimony.

Issues to be decided

- Whether either party is entitled to any of the above under Act, regulation or tenancy agreement

Background and Evidence

Pursuant to a written tenancy agreement, the original fixed term of tenancy was from April 25, 2010 to April 30, 2011. Monthly rent was \$1,700.00. A security deposit of \$850.00 and a pet damage deposit of \$850.00 were collected on April 25, 2010. A move-in condition inspection and report were also completed on April 25, 2010.

By letter dated November 30, 2010, the tenants gave notice to end the tenancy effective January 1, 20[11]. It is understood that, subsequently, the tenants vacated the unit on or about December 30, 2010. The tenancy agreement provides that liquidated damages in the amount of \$850.00 will be paid by the tenants in the event that they end the fixed term tenancy before the end of the original fixed term. A move-out condition and report were completed on January 4, 2011 and, thereafter, new renters were found effective February 1, 2011.

During the hearing the parties exchanged views on some of the circumstances surrounding the dispute. Discussion included, but was not limited to, what different understandings / conclusions the parties may have reached concerning the meaning of the landlords' payment to the tenants of \$850.00 after the end of tenancy, and what

dissimilar understandings / conclusions the parties had come to concerning what further payment of rent may be expected from the tenants after the end of December 2010.

Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: www.rto.gov.bc.ca/

Section 63 of the Act (**Opportunity to settle dispute**) provides that the parties may undertake to settle their dispute during a hearing. Pursuant to this provision, discussion between the parties during the hearing led to a resolution. Specifically, it was agreed as follows:

- that the landlords will pay \$750.00 to the tenants;
- that the above payment will be made by way of cash;
- that the above payment will be made during a meeting at 3:00 p.m. today, Friday, June 17, 2011, at a specific location agreed to by the parties during the hearing;
- that the above particulars comprise full and final settlement of all aspects of the dispute arising from this tenancy for both parties.

Conclusion

Pursuant to the agreement reached between the parties during the hearing, as set out above, this dispute is hereby settled.

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*.

DATE: June 17, 2011

Residential Tenancy Branch