



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

Decision

Dispute Codes: MNR, MNSD, FF

Introduction

This hearing dealt with 2 applications: i) by the landlords for a monetary order as compensation for unpaid rent or utilities / retention of the security deposit / and recovery of the filing fee; ii) by the tenants for a monetary order reflecting the double return of the security deposit. 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 the Act

Background and Evidence

Pursuant to a written tenancy agreement, the fixed term of tenancy was from October 17, 2010 to October 31, 2011. Monthly rent is \$825.00 and a security deposit of \$400.00 was collected. For a number of reasons, completion of a move-in condition inspection and report were not undertaken in strict compliance with the Act.

By way of e-mail dated February 24, 2011, the tenants gave notice of their intent to end the tenancy effective March 2, 2011. In their respective submissions, the parties set out the main reasons giving rise to the absence of 1 full month's notice to end tenancy. Again, circumstances and understandings between the parties were such that a move-out condition inspection and report were not completed in full compliance with the Act.

During the hearing the parties exchanged views on some of the circumstances surrounding the dispute and undertook to achieve a resolution.

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 provides that the parties may attempt 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 retain the tenants' full security deposit in the amount of \$400.00;
- that the landlords withdraw the application to recover the \$50.00 filing fee;
- 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