



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

Decision

Dispute Codes: MND, MNSD, FF

Introduction

This hearing dealt with 2 applications: i) by the landlord for a monetary order as compensation for damage to the unit, site or property / retention of the security deposit / and recovery of the filing fee; ii) by the tenant for return of the security deposit / 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 the Act

Background and Evidence

Pursuant to a written tenancy agreement, the fixed term of tenancy was from March 1, 2010 to February 28, 2011. Monthly rent was \$1,130.00, and a security deposit of \$565.00 was collected. Both parties participated in the completion of a move-in condition inspection and report.

During the hearing the parties exchanged views on some of the circumstances surrounding the dispute, and undertook to achieve a resolution. Matters discussed included, but were not necessarily limited to, the reasons why a move-out condition inspection and report were not completed with both parties in attendance, and the nature of repairs required in the unit following the end of tenancy.

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 both parties withdraw their respective applications to recover the \$50.00 filing fee;
- that the landlord will withhold \$200.00 from the tenant's security deposit;
- that the landlord will pay the balance of the security deposit to the tenant in the full amount of \$365.00 (\$565.00 - \$200.00), and that a monetary order will be issued in favour of the tenant to that effect;
- that the above payment will be made by cheque;
- that the above cheque will be put into the mail as soon as possible, but not later than midnight, Friday, July 8, 2011;
- that the above particulars comprise full and final settlement of all aspects of the dispute arising from this tenancy for both parties.

Conclusion

Following from the agreement reached between the parties during the hearing, as set out in detail above, I hereby issue a **monetary order** in favour of the tenant in the amount of **\$365.00**. Should it be necessary, this order may be served on the landlord, filed 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*.

DATE: June 29, 2011

Residential Tenancy Branch