

## **Decision**

**Dispute Codes:** MNDC, MNSD, FF

### **Introduction**

This hearing dealt with the tenant's application for a monetary order as compensation for damage or loss under the Act, regulation or tenancy agreement / 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 the tenant is entitled to any or all of the above under the Act, Regulation or tenancy agreement

### **Background and Evidence**

Pursuant to a written tenancy agreement, the 1 year fixed term of tenancy is from February 14, 2011 to February 13, 2012. Monthly rent is \$1,650.00 and, in addition to other monies, a security deposit of \$825.00 was collected from the tenant by the landlord. While a move-in condition inspection report was completed by the parties, a copy is not in evidence.

Arising from what the tenant claims were a range of miscellaneous concerns about the condition of the unit, on March 23, 2011 he gave written notice to the landlord of his intent to end the tenancy effective March 30, 2011.

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/](http://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 landlord will pay the tenant \$5,225.00, and that a monetary order will be issued in favour of the tenant to this effect;
- that the above payment will be made by either bank money order **or** postal money order;
- that the bank money order or postal money order will be mailed by the landlord to the tenant at his mailing address, as shown in his application for dispute resolution;
- that the above payment will be put into the mail by not later than midnight, Monday, August 15, 2011;
- that the above particulars comprise full and final settlement of all aspects of the dispute arising from this tenancy for both parties, such that both parties agree that neither will file a future application for dispute resolution in relation to any of the circumstances concerning this tenancy.

### **Conclusion**

Pursuant to section 67 of the Act, I hereby issue a monetary order in favour of the tenant in the amount of \$5,225.00. 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*.

Residential Tenancy Branch