

Decision

Dispute Codes: MNSD, FF

Introduction

This hearing was convened in response to an application by the tenants for a monetary order as compensation for the double 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 tenants are entitled to the above under the Act

Background and Evidence

Pursuant to a written tenancy agreement, a copy of which is not in evidence, the tenancy began on October 1, 2007. At around that same time a security deposit of \$1,150.00 was collected. When tenancy ended on May 31, 2010, monthly rent was \$1,650.00. Neither a move-in nor a move-out condition inspection report was completed.

After the end of tenancy, by letter dated November 16, 2010, the tenants informed the landlord of their forwarding address and requested the return of their security deposit. A second letter followed by date of March 10, 2011. However, as the repayment did not subsequently occur, on May 4, 2011 the tenants filed an application for dispute resolution.

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 landlord will repay to the tenants the full amount of their original security deposit of \$1,150.00, and reimburse them for the \$50.00 filing fee,

and that a monetary order will be issued in favour of the tenants to this effect (\$1,150.00 + \$50.00 = \$1,200.00);

- that the tenants waive their entitlement to interest accrued on the security deposit since the time of its collection;
- that the above payment will be by personal cheque made payable to male tenant "LEL;"
- that the above cheque will be put into the mail as soon as possible but not later than midnight, Friday, September 9, 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 neither party will file a related application for dispute resolution in future.

Conclusion

Following from the agreement reached between the parties pursuant to section 63 of the Act, as detailed above, and pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the tenants in the amount of **\$1,200.00**. 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: August 16, 2011

Residential Tenancy Branch