



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FF

Introduction

This hearing dealt with an application by the tenants for return of the security deposit and recovery of the filing fee.

Issue(s) to be Decided

Are the tenants entitled to any of the above under the Act.

Background and Evidence

This tenancy began October 28, 2010 with monthly rent of \$1150.00 and the tenants paid a security deposit of \$500.00 and a pet damage deposit of \$500.00.

The tenants testified that the landlord came to their home on September 8, 2011 to discuss a settlement and advise the tenants that she would not be calling in to today's hearing.

The landlord presented the tenants with copies of the utility bills from during the tenancy which totalled approximately \$1000.00. The tenants stated that these bills had not been provided to them at any time during the tenancy although the tenancy agreement notes that the tenants are to pay 50% of the utilities which are in the landlord's name.

The landlord suggested to the tenants that in lieu of their claim for double the security deposit, the landlord would return the original deposits which total \$1000.00 and the \$50.00 filing fee to the tenants. The 'double' portion of the tenants claim would then effectively cover the cost of the utility bills that were owed to the landlord.

The tenants accepted this offer from the landlord with the understanding that neither party owed the other any additional monies in regards to this tenancy.

As an agreement was reached between the tenants and landlord the tenants have withdrawn their application for return of double the security deposit.

Analysis

The parties have settled their dispute and the following records this settlement as a decision:

- The landlord has returned the original security deposit of \$500.00 and a pet damage deposit of \$500.00 to the tenants.
- The landlord has reimbursed the tenants for the \$50.00 fee to bring this application forward.
- The 'double' portion of the tenant's claim has effectively been used to cover the cost of utilities due to the landlord.
- No additional monies are owed to either party in regards to this tenancy.
- The tenants have withdrawn their application based on the above settlement.

Conclusion

The tenant's application has been withdrawn as the parties have resolved the dispute.

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*.

Dated: September 9, 2011.

Residential Tenancy Branch

