



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNR MNSD O FF  
                             MNSD FF

### Introduction

This hearing dealt with Applications filed by both the Landlord and the Tenant.

The Landlord filed for Dispute Resolution to obtain a Monetary Order for unpaid rent or utilities, to keep all or part of the security deposit, for other reasons, and to recover the cost of the filing fee from the Tenant for this application.

The Tenant filed for Dispute Resolution to obtain a Monetary Order for the return of all the security deposit, the long distance fee, and to recover the cost of the filing fee from the Landlord for this application.

The parties appeared at the teleconference hearing, acknowledged receipt of evidence submitted by the other, gave affirmed testimony, were provided the opportunity to present their evidence orally, in writing, and in documentary form.

### Issue(s) to be Decided

1. Has the Tenant breached the *Residential Tenancy Act*, regulation or tenancy agreement?
2. If so, has the Landlord met the burden of proof to obtain a Monetary Order as a result of that breach?
3. Has the Landlord breached the *Residential Tenancy Act*, regulation, or tenancy agreement?
4. If so, has the Tenant met the burden of proof to obtain a Monetary Order as a result of that breach?

### Background and Evidence

The parties entered into a written tenancy agreement that began on May 1, 2011. Rent was payable on the first of each month in the amount of \$1,550.00 and a security deposit of \$775.00 was paid.

During the course of the hearing the parties agreed to settle these matters.

### Analysis

The parties agreed to settle these matters on the following conditions:

- 1) The Landlord agrees to withdraw her application for dispute resolution; and
- 2) The Tenant agrees to withdraw her application for dispute resolution; and
- 3) The Landlord will retain \$200.00 from the Tenant's security deposit; and
- 4) The Landlord will pay the Tenant the balance of her security deposit plus the long distance prepayment for a total of **\$629.75** (\$775.00 - \$200.00 + \$54.75) made payable to the Tenant's Agent; and
- 5) In exchange for this payment the Tenant's Agent will return the full key set for the rental property (unit key, building security key, parking garage fob); and
- 6) The Landlord's husband agrees to meet at the Tenant's Agent's residence during the morning of October 20, 2011 to exchange the Landlord's payment for return of the rental unit keys.

In support of this agreement a Monetary Order will be issued to the Tenant in the amount of **\$629.75**.

As this matter was settled, each party must bear the burden of the cost to file their own application.

### Conclusion

The Tenant's decision will be accompanied by a Monetary Order in the amount of **\$629.75**. This Order is legally binding and must be served upon the Landlord.

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: October 19, 2011.

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Residential Tenancy Branch