



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, MNDC and FF

Introduction

This application was brought by the tenant on July 29, 2011 seeking a Monetary Order for return of his security deposit on the grounds that the landlord did not return it or make application to claim upon it with 15 days of the latter of the end of the tenancy or receipt of a forwarding address as required under section 38(1) of the Act.

Issue(s) to be Decided

This matter requires a decision on whether the tenant is entitled to a Monetary Order for return of the deposit and whether that amount should be doubled under section 38(6) of the Act.

Background and Evidence

This tenancy began on August 1, 2010 under a fixed term rental agreement set to end on July 31, 2011. Rent was \$720 per month and the landlord holds a security deposit of \$360 paid on July 15, 2010 and there is a \$300 liquidated damages clause in the rental agreement.

During the hearing, the parties concurred that the tenant had left the unit one month early and that the landlord had not returned the deposit. The landlord submitted evidence that he had suffered a loss of rent of rent for July 2011 and stated he had retained the deposit against the liquidated damages clause.

Consent Agreement

After some discussion, the parties arrived at the following consent agreement:

1. The parties agree that the matter is concluded by payment from the landlord to the tenant of \$300 and that the tenant will have a Monetary Order for that amount;
2. The parties agree that this constitutes full and final settlement of all matters pertaining to the tenancy and that neither will bring a further application with respect to the tenancy.

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Conclusion

The tenant's copy of this decision is accompanied by a Monetary Order for \$300, enforceable through the Provincial Court of British Columbia, for service on the landlord if necessary.

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: November 02, 2011.

Residential Tenancy Branch