



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNR, MNSD, FF / MNDC, MNSD

Introduction

This hearing was scheduled in response to 2 applications: i) by the landlords for a monetary order as compensation for unpaid rent / retention of the security deposit / and recovery of the filing fee; ii) by the tenant for a monetary order as compensation for damage or loss under the Act, Regulation or tenancy agreement / and the double return of the security deposit. Both parties participated in the hearing and gave affirmed testimony.

Issue(s) to be Decided

Whether either party is entitled to any of the above under the Act, Regulation or tenancy agreement.

Background and Evidence

Pursuant to a written tenancy agreement entered into on July 30, 2011, the month-to-month tenancy began on September 1, 2011. The agreement provides that monthly rent is \$1,200.00, and that a security deposit of \$600.00 is required. As renovations to the unit had not been completed when the tenant arrived on September 1, 2011, she paid \$1,500.00 "in good faith" (\$900.00 towards rent & \$600.00 for the security deposit), moved her possessions into the unit and stayed there for 4 nights, and then relocated elsewhere until September 15, 2011 when she returned to live in the unit. A move-in condition inspection report was completed on October 1, 2011.

Arising from rent which remained overdue on October 1, 2011, the landlords issued a 10 day notice to end tenancy for unpaid rent dated October 6, 2011. Subsequently, the tenant made no further payment toward rent and vacated the unit on October 15, 2011. After advertising, the landlords found new renters effective November 15, 2011.

During the hearing the parties exchanged views on the somewhat complex 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 landlords will pay the tenant \$675.00, and that a monetary order will be issued in favour of the tenant to this effect;
- that the above payment will be made by cheque;
- that the above cheque will be put into the mail by no later than midnight, Thursday, January 12, 2012;
- that the above particulars comprise full and final settlement of all aspects of the dispute arising from this tenancy for both parties.

Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the tenant in the amount of **\$675.00**. Should it be necessary, this Order may be served on the landlords, 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*.

Dated: January 12, 2012.

Residential Tenancy Branch