



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNSD and FF

Introduction

This application was brought by the landlords January 5, 2012 seeking a monetary award for damage to the rental unit and recovery of the filing fee for this proceeding, a stated total of \$700, and authorization to retain the security deposit in set off against the balance owed. The landlords were represented by their daughter as agent.

As a preliminary matter, the landlords submitted further evidence on February 29, 2012 which added claims for loss of rent (loss or damage under the legislation or rental agreement) plus detailed claims totalling \$4,103.79. The evidence included numerous receipts and photographs.

Such a change would have required the landlords to submit an amended application and to have served that to the tenants with it at least five days in advance of the scheduled hearing under clause 2.5 of the Rules of Procedure.

Therefore, as the application has not been amended, the landlords' agent was advised of the option to withdraw the present application and submit a new one for the larger amount and additional cause or proceed with the present hearing on the items claimed in the original application, or to attempt to settle the dispute as provided for under section 63 of the *Act*.

The landlord chose to work toward a settlement.

In the result, the parties arrived at the following consent agreement:

Consent Agreement

The parties agree that:

1. The landlord will retain the security deposit of \$650 paid on or about June 1, 2009, a period from which no interest was payable;
2. In addition, the tenant will pay the landlords' \$50 application fee and the landlords will be provided with a Monetary Order for that amount;
3. This agreement is binding and constitutes full and final settlement of this tenancy and neither party will bring further action against the other.

Conclusion

In addition to authorization to retain the \$650 security deposit, the landlords' copy of this decision is accompanied by a Monetary Order, enforceable through the Provincial Court of British Columbia for \$50 for recovery of their filing fee. If the amount is not paid, the landlords may serve the order on the tenants and file it with the 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: March 09, 2012.

Residential Tenancy Branch