



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNSD, FF

Introduction

This hearing was scheduled in response to the tenants' application for a monetary order as compensation for the double return of the security deposit / and recovery of the filing fee. Both parties participated in the hearing and gave affirmed testimony.

Issue(s) to be Decided

Whether the tenants are entitled to the above under the Act, Regulation or tenancy agreement.

Background and Evidence

Pursuant to a written tenancy agreement, the fixed term of tenancy was from December 1, 2010 to December 1, 2011 (mistakenly shown on the tenancy agreement as 2010). Monthly rent of \$2,300.00 was shared between three tenants, and a security deposit of \$1,000.00 was collected. There is no move-in condition inspection report in evidence.

At the end of the fixed term of tenancy, the two applicant tenants vacated the unit, while the third tenant and either one or two other individuals entered into a new tenancy agreement with the landlord for the same unit. There is no move-out condition inspection report in evidence.

During the hearing the parties exchanged views on some of the circumstances surrounding the dispute, and undertook to achieve a resolution. Matters discussed included, but were not limited to, the condition of the unit at the start of tenancy compared with the condition of the unit at the end of tenancy, in addition to when and how the two applicant tenants informed the landlord of their forwarding address.

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 led to a resolution. Specifically, it was agreed as follows:

RECORD OF SETTLEMENT

- that the landlord will pay each of the two applicant tenants \$225.00;
- that the above payment will be by cheque made payable, respectively, to each of the two applicant tenants;
- that both cheques will be put into the mail by no later than midnight, Thursday, April 5, 2012;
- that the above particulars comprise full and final settlement of all aspects of the dispute arising from this tenancy for all parties named in the application

Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of each tenant in the amount of **\$225.00**. Should it be necessary, the order may be served on the landlord, 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: April 03, 2012.

Residential Tenancy Branch