



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNSD

Introduction

This hearing concerned the tenants' application for a monetary order as compensation for the full return of the security deposit. 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 two written tenancy agreements, copies of which is not in evidence, the fixed terms of tenancy were from January 23, 2010 to February 1, 2011, and January 21, 2011 to February 1, 2012. Monthly rent of \$1,000.00 was payable in advance on the first day of each month, and a security deposit of \$500.00 was collected. A move-in condition inspection report was not completed.

In November 2011 the tenants gave verbal notice to end tenancy effective January 1, 2012. While no copy is in evidence, the tenants followed-up the verbal notice by giving written notice to end tenancy. The parties completed a walk-through of the unit on or about December 31, 2011, however, a move-out condition inspection report was not completed. Thereafter, the landlord testified that he found new renters effective February 1, 2012.

The tenants provided the landlord with their forwarding address on or about January 14, 2012. Subsequently, the landlord forwarded cheque payment to the tenants in the amount of \$124.80, representing partial reimbursement of the original security deposit.

During the hearing the parties exchanged views on some of the 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 led to a resolution. Specifically, it was agreed as follows:

RECORD OF SETTLEMENT

- that the landlord will reimburse the tenants an additional \$200.00, and that a monetary order will be issued in favour of the tenants to this effect;
- that the above payment will be by cheque made payable to the male tenant;
- that the above cheque will be put into the mail by no later than midnight, Friday, May 11, 2012;
- that the above particulars comprise full and final settlement of all issues arising from this tenancy for both parties, such that neither party will file a future application for dispute resolution.

Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the tenants in the amount of **\$200.00**. Should it be necessary, this 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: May 07, 2012.

Residential Tenancy Branch