



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNDC, MNSD, RR, FF / MND, MNSD

Introduction

This hearing concerns two applications: i) by the tenant for a monetary order as compensation for damage or loss under the Act, Regulation or tenancy agreement / return of the original amount of the security deposit / a reduction in rent for repairs, services or facilities agreed upon but not provided / and recovery of the filing fee; ii) by the landlord for a monetary order as compensation for damage to the unit, site or property / and retention 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, the fixed term of tenancy is from December 20, 2010 to December 19, 2011. The tenancy agreement provides that the tenant must vacate the unit at the end of the fixed term. Monthly rent of \$2,100.00 was due and payable in advance on the first day of each month, and a security deposit of \$1,400.00 was collected. A move-in condition inspection report was completed with the participation of both parties.

Late in 2011 the parties reached agreement pursuant to which the tenant would vacate the unit effective January 31, 2012. Ultimately, the tenant did vacate the unit by that time and paid rent up to the end of January 2012. A move-out condition inspection report was completed with the participation of both parties.

In summary, the dispute arises out of conflicting views around the condition of the unit at the end of tenancy in relation to what might be considered normal wear and tear.

Analysis

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 tenant in the amount of \$300.00 from the original security deposit, and that a monetary order will be issued in favour of the tenant to that effect;
- that the above payment will be by cheque made payable to the tenant;
- that the above cheque will be put into the mail by not later than midnight, Monday, May 21, 2012;
- that the landlord will retain the balance of the security deposit in the amount of \$1,100.00 (\$1,400.00 - \$300.00);
- that the above particulars comprise full and final settlement of all issues in dispute for both parties, which arise out of this tenancy and which are currently before me.

Conclusion

Pursuant to section 67 of the Act, I hereby issue a monetary order in favour of the tenant in the amount of \$300.00. 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 14, 2012.

Residential Tenancy Branch