



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MND, MNDC, MNSD, FF

Introduction

This hearing concerns the landlords' application for a monetary order as compensation for damage to the unit, site or property / compensation for damage or loss under the Act, Regulation or tenancy agreement / retention 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 landlords are entitled to the above under the Act, Regulation or tenancy agreement.

Background and Evidence

Pursuant to a written tenancy agreement the initial fixed term of tenancy was from December 1, 2009 to November 30, 2010. A move-in condition inspection report was completed with the participation of both parties at the start of tenancy.

Thereafter, a tenancy agreement provided for a fixed term from December 1, 2010 to November 30, 2011. Following this, a tenancy agreement provided for a month-to-month tenancy beginning December 1, 2011. Monthly rent of \$2,100.00 was payable in advance on the first day of each month throughout the entire period of tenancy, and a security deposit of \$1,050.00 was collected at the start of tenancy.

On or about January 31, 2012, the tenants gave notice to end the tenancy effective March 1, 2012. A move-out condition inspection report was completed with the participation of both parties on March 3, 2012.

During the hearing the parties exchanged views on some of the circumstances surrounding the dispute. Principal areas of dispute concern how the condition of the unit at the start of tenancy compared with the condition of the unit at the end of tenancy.

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 addresses **Opportunity to settle dispute**, and provides that the parties may attempt to settle their dispute during a hearing. Pursuant to this provision discussion led to a resolution, and it was specifically agreed as follows:

RECORD OF SETTLEMENT

- that the landlords will retain \$812.50 from the tenants' original security deposit of \$1,050.00;
- that the landlords will pay the tenants the balance of the security deposit of \$237.50 (\$1,050.00 - \$812.50), and that a monetary order will be issued in favour of the tenants to this effect;
- that the figures set out above are calculated as follows:

\$1,050.00: amount of original security deposit

Landlords: \$787.50 + \$25.00 (recovery of half the filing fee) = \$812.50

Tenants: \$262.50 - \$25.00 (payment of half the filing fee) = \$237.50

- that the landlords' payment of \$237.50 will be in the form of a cheque made payable to male tenant "SB;"
- that the above cheque will be put into the mail as soon as possible but by no later than midnight, Friday, May 25, 2012;
- that the above particulars comprise full and final settlement of all matters in dispute arising out of this tenancy for both parties, such that neither will in future file an application for dispute resolution related to this tenancy.

Conclusion

I hereby order that the landlords retain **\$812.50** from the tenants' security deposit.

I hereby order the landlords to pay the balance of the security deposit to the tenants in the amount of **\$237.50**. Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the tenants for **\$237.50**. If 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: May 18, 2012.

Residential Tenancy Branch