



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MNSD, MNDC, OPT, AAT

Introduction

This hearing dealt with an application by the tenant, pursuant to section 38 of the *Residential Tenancy Act*, for a monetary order for the return of the security deposit, for access to the rental unit and for compensation for costs incurred in her attempts to retrieve her belongings.

Both parties attended the hearing and were given full opportunity to present evidence and make submissions. The tenant was represented by her daughter.

Issues to be Decided

Is the tenant entitled to her monetary claim? Is the tenant entitled to access to the rental unit?

Background and Evidence

The tenancy started thirteen years ago and prior to moving in the tenant paid a security deposit of \$137.50. In early May, the tenant was admitted to the hospital and will not be returning to the rental unit. The tenant provided her daughter with a key to the rental unit. The tenant paid rent for May 2012, but on May 09, 2012, the landlord changed the locks thereby denying the tenant and her daughter, access to the rental unit.

The tenant's application for monetary compensation was discussed at length. During the hearing the parties engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

Analysis

Pursuant to Section 63 of the *Residential Tenancy Act*, the dispute resolution officer may assist the parties settle their dispute and if the parties settle their dispute during the hearing, the settlement may be recorded in the form of a decision or an order.

During this hearing, the parties reached an agreement to settle these matters, on the following conditions:

1. The landlord agreed to pay the tenant \$383.90 in full settlement of any claims against the tenant. This amount consists of the security deposit plus prorated rent for May.
2. The tenant agreed to accept \$393.90 in full and final settlement of all claims against the landlord. A monetary order will be issued to the tenant for this amount.
3. The landlord agreed to grant the tenant access to the rental unit for the period of June 15 to June 19, to allow the tenant to retrieve her belongings.
4. Both parties stated that they agreed to the above terms of this agreement and understood that the above particulars comprise full and final settlement of all aspects of the dispute for both parties.

Conclusion

Pursuant to the above agreement, I grant the tenant a monetary order under section 67 of the *Residential Tenancy Act* for the amount of **\$383.90**. This order may be 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: June 12, 2012.

Residential Tenancy Branch