



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNDC, FF

Introduction

This hearing concerns an application by the tenants for a monetary order as compensation for damage or loss under the Act, Regulation or tenancy agreement / 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 is from October 3, 2011 to April 3, 2012. The written agreement is silent on whether the tenants must vacate the unit at the end of the fixed term, or whether the fixed term tenancy becomes a month-to-month tenancy. However, the landlord claims there was a verbal understanding reached between the parties at the start of tenancy to the effect that tenancy would end on April 3, 2012, and the tenants would vacate the unit. Monthly rent of \$1,500.00 is due and payable in advance on the first day of each month, and a security deposit of \$1,500.00 was collected. There is no move-in condition inspection report in evidence.

By letter dated March 5, 2012, the landlords notified the tenants that they must vacate the unit effective April 30, 2012. In their letter the landlords also noted that the "suite is subject to renovations for office space." Subsequently, the tenants had generally vacated the unit by month's end. There is no move-out condition inspection report in evidence.

The landlord claims that the tenant gave verbal consent for \$310.24 to be withheld from the security deposit of \$1,500.00 at the end of tenancy in regard to a hydro bill. The

balance of \$1,189.76 was returned to the tenants by way of cheque on or about April 30, 2012. The tenant does not dispute any of the foregoing.

During the hearing the parties exchanged views on some of the circumstances surrounding the various aspects of 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 addresses the **Opportunity to settle dispute**. Pursuant to this provision, discussion between the parties during the hearing led to a settlement and it was specifically agreed as follows:

RECORD OF SETTLEMENT

- that the landlords will pay the tenants \$800.00, and that a monetary order will be issued in favour of the tenants to that effect;
- that the above payment will be by cheque made payable to male tenant "RRG;"
- that the cheque will be put into the mail by no later than midnight, Friday, August 3, 2012;
- that the above particulars comprise full and final settlement of all aspects of the dispute arising from this tenancy for both parties.

Below, for the information of the parties, attention is drawn to specific provisions in the Act which have particular application to the circumstances of this dispute.

Section 13: Requirements for tenancy agreements

Section 19: Limits on amount of deposits

Section 20: Landlord prohibitions respecting deposits

Section 23: Condition inspection: start of tenancy

Section 24: Consequences for tenant and landlord if report requirements not met

Section 35: Condition inspection: end of tenancy

Section 36: Consequences for tenant and landlord if report requirements not met

Section 38: Return of security deposit and pet damage deposit

PART 4 – How to End a Tenancy
Division 1 – Ending a Tenancy
Sections 44 to 53

Conclusion

The parties are hereby ordered to comply with the terms of the settlement reached between them during the hearing, as set out in detail above.

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the tenants in the amount of **\$800.00**. Should it be 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: August 1, 2012.

Residential Tenancy Branch