



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNDC, MNSD, FF

Introduction

This hearing was scheduled in response to the tenant's application for a monetary order as compensation for damage or loss under the Act, Regulation or tenancy agreement / compensation for the double return 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 tenant is entitled to the above under the Act, Regulation or tenancy agreement.

Background and Evidence

There is no written tenancy agreement in evidence for this tenancy which appears to have begun more than 13 years ago. By the time tenancy ended, monthly rent was \$693.00. The tenant testified that a security deposit of \$225.00 was collected at the start of tenancy.

The landlord testified that the tenant gave written notice around mid-March 2012, of her intent to end the tenancy. Subsequently, the tenant vacated the unit sometime before the end of March.

By way of letter dated April 3, 2012 and signed by both parties, the tenant agreed to pay rent to the end of April and to "forfeit" her security deposit. In exchange, the landlord agreed not to take any further action related to the short notice to end the tenancy, or any further action arising from the tenant's having left the unit in need of certain cleaning and repairs. Subsequently, however, the tenant filed her application for dispute resolution on June 18, 2012. During the hearing the tenant testified that she felt pressured to sign the letter dated April 3, 2012.

The landlord testified that the tenant provided him with no forwarding address when tenancy ended. He further testified that he became aware of the tenant's address only when he received her application for dispute resolution.

During the hearing the parties considered some of the options available for concluding the dispute.

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 resolution. Specifically, it was agreed as follows:

RECORD OF SETTLEMENT

- that the tenant withdraws all aspects of her application for dispute resolution;
- that the tenant's withdrawal of her application results in full and final settlement of all aspects of the dispute arising from this tenancy for both parties, such that both parties agree there will be no future applications for dispute resolution by either of them in regard to this particular tenancy.

Conclusion

The tenant's application is withdrawn.

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 22, 2012.

Residential Tenancy Branch