



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

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

Introduction

This hearing concerns 2 applications: i) by the landlord for a monetary order as compensation for damage to the unit, site or property / and recovery of the filing fee; ii) by the tenants for a monetary order reflecting the return of the security deposit / a monetary order as compensation for damage or loss under the Act, Regulation or tenancy agreement / and recovery of the filing fee. Both parties attended 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, a copy of which is not in evidence, the initial fixed term of tenancy was from January 1 to December 31, 2011. Thereafter, the parties entered into a 6 month term of tenancy ending June 30, 2012. Monthly rent of \$800.00 was due and payable in advance on the first day of each month, and a security deposit of \$400.00 was collected. There is no move-in or move-out condition inspection report in evidence.

While rent was ultimately paid to the end of June 2012, arising from a series of events the landlord considered that the unit had been abandoned, and on or about June 14, 2012 the landlord changed the locks on the unit. Following this, the landlord completed cleaning and certain repairs in the unit.

During the hearing the parties set out their perspectives on some of the circumstances surrounding 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 speaks to 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 landlord will retain the tenants' full security deposit in the amount of \$400.00;
- that the landlord's retention of the full security deposit, as above, comprises full and final settlement of all aspects of the dispute arising from this tenancy for both parties.

Conclusion

Pursuant to the agreement reached between the parties during the hearing, I hereby order that the landlord retain the tenants' full security deposit in the amount of \$400.00.

All other aspects of the respective applications are hereby withdrawn and / or dismissed.

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 23, 2012.

Residential Tenancy Branch