



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNSD, FF

Introduction

This hearing concerns the tenant's application for a monetary order as compensation for return of the security deposit / and recovery of the filing fee. Both parties participated and / or were represented 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

Pursuant to a written tenancy agreement, a copy of which is not in evidence, it is understood that the month-to-month tenancy began on or about December 31, 2011. Monthly rent was \$650.00, and a security deposit of \$325.00 was collected. The tenant vacated the unit on or about May 1, 2012. There is no move-in or move-out condition inspection report in evidence. The landlord takes the position that as the tenant damaged the floor and a chair in the unit, the security deposit has not been returned.

During the hearing the parties exchanged views 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 pay the tenant \$187.50, and that a monetary order will be issued in favour of the tenant for that amount;
- that the above amount is calculated as follows:

$$\text{\$325.00 (security deposit) + \$50.00 (filing fee) = \$375.00 (total paid by tenant)}$$
$$\text{\$375.00} \div 2 = \text{\$187.50.}$$
- that the tenant will attend the unit sometime after 9:00 p.m. tonight (Thursday, August 30, 2012) in order to collect the above amount.
- that the above particulars comprise full and final settlement of all matters in dispute that arise from this tenancy and which are currently before me.

Conclusion

Pursuant to section 67 of Act, I hereby issue a **monetary order** in favour of the tenant in the amount of **\$187.50**. Should it be necessary, this order may be served on the landlord, 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 30, 2012.

Residential Tenancy Branch