



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: MNDC, MNSD, RP, ERP, OLC, FF

### Introduction

This hearing concerns the tenant's application for a monetary order as compensation for damage or loss under the Act, Regulation or tenancy agreement / return of the security deposit / an order instructing the landlord to make repairs to the unit, site or property / an order instructing the landlord to make emergency repairs for health or safety reasons / an order instructing the landlord to comply with 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 tenant is entitled to any of the above under the Act, Regulation or tenancy agreement.

### Background and Evidence

Pursuant to a written tenancy agreement, the month-to-month tenancy began on June 1, 2012. Monthly rent of \$1,200.00 is due and payable in advance on the first day of each month, and a security deposit of \$600.00 was collected.

The landlord issued a 2 month notice to end tenancy for landlord's use of property dated July 27, 2012. A copy of the notice was submitted in evidence. The date shown on the notice by when the tenant must vacate the unit is September 30, 2012. The reason shown on the notice for its issuance is as follows:

The rental unit will be occupied by the landlord or the landlord's spouse or a close family member (father, mother, or child) of the landlord or the landlord's spouse.

Subsequently, by date of August 21, 2012, the tenant gave the landlords a 10 day written notice to end tenancy effective August 31, 2012. In her letter of notice the tenant also informed the landlords of her forwarding address.

Prior to giving her 10 day notice, the tenant filed an application for dispute resolution on August 9, 2012. The tenant's application does not include an application to have the landlords' notice set aside. The thrust of the application is a claim for compensation arising out of miscellaneous concerns about the condition of the unit, in addition to concerns related to inconvenience and stress resulting from the requirement to relocate after a relatively short tenancy.

For their part, the landlords identified a concern during the hearing to recover the still unknown cost of utilities which they claim are the tenant's responsibility. In this regard, the landlords have filed their own application for dispute resolution (file #797814, with a hearing scheduled to commence at 9:00 a.m. on Thursday, November 22, 2012.)

During the hearing the parties exchanged views on some of the circumstances central to the dispute(s), 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](http://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 led to a settlement. Specifically, it was agreed as follows:

### **RECORD OF SETTLEMENT**

- that the landlords will pay the tenant \$2,225.00, and that a monetary order will be issued in favour of the tenant to that effect;
- that the above payment will be by cheque;
- that the cheque will be put into the mail to the tenant by no later than midnight, Friday, September 14, 2012;
- that the cheque is comprised as follows:

- i) \$1,200.00: the “equivalent of one month’s rent payable under the tenancy agreement” pursuant to section 51 of the Act which speaks to **Tenant’s compensation: section 49 notice**;
- ii) \$600.00: reimbursement of the full security deposit;
- iii) \$400.00: miscellaneous “damages” / goodwill;
- iv) \$25.00: settlement related to filing fees paid by each of the parties:

[ $\$100.00$  (paid by tenant) -  $\$50.00$  (paid by landlords) =  $\$50.00$

$\$50.00 \div 2 = \$25.00$ .]

- that the landlords will withdraw their application for dispute resolution and will contact the Residential Tenancy Branch with a request to cancel the hearing scheduled in response to their application (as detailed above);
- that the landlords will absorb the full cost of utilities, whatever they may be, at such time as the landlords receive the statement(s) from the utility provider(s);
- that the above particulars comprise full and final settlement of all aspects of the dispute arising from this tenancy for both parties.

### Conclusion

The dispute is settled pursuant to the details set out above.

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the tenant in the amount of **\$2,225.00**. 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: September 11, 2012.

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Residential Tenancy Branch