



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNSD, FF

Introduction

This hearing was scheduled in response to the tenant's application for a monetary order as 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

Pursuant to a written tenancy agreement, a copy of which is not in evidence, what eventually became a month-to-month tenancy began on August 1, 2010. Monthly rent of \$1,400.00 was due and payable in advance on the first day of each month, and a security deposit of \$700.00 was collected. There is no move-in condition inspection report in evidence.

Following notice given by the tenant, tenancy ended effective June 30, 2012. There is no move-out condition inspection report in evidence. There is no dispute that the tenant provided the landlord with his forwarding address around mid-June 2012, however, thus far the landlord has not repaid any portion of the tenant's security deposit.

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, during the hearing the parties undertook to achieve a settlement of the dispute. Specifically, it was agreed as follows:

RECORD OF SETTLEMENT

- that the landlord will pay the tenant **\$650.00**, and that a monetary order will be issued in favour of the tenant to that effect;
- that the above payment will be made by cheque, and that the cheque will be put into the mail to the tenant at the address shown on his application for dispute resolution by no later than midnight, Tuesday, October 23, 2012;
- that the above particulars comprise full and final settlement of all issues in dispute for both parties that arise out of this tenancy.

Finally, for information, the attention of the parties is drawn to the following sections of the Act:

Section 23: **Condition inspection: start of tenancy or new pet**

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**

Conclusion

Pursuant to section 67 of the Act, I hereby issue a monetary order in favour of the tenant in the amount of **\$650.00**. 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: October 16, 2012.

Residential Tenancy Branch