



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNSD, RPP

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 an order instructing the landlord to return the tenant's personal property.

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, the term of tenancy is from July 1, 2012 to July 1, 2013. Monthly rent of \$1,200.00 is due and payable in advance on the first day of each month, and a security deposit of \$300.00 was collected. There is no move-in condition inspection report in evidence.

The tenant vacated the unit within several days after October 1, 2012. There is no move-out condition inspection report in evidence. The parties agree that the tenant informed the landlord sometime in December 2012 of her forwarding address, however, the tenant's security deposit was not returned. The landlord takes the position that the unit was in need of certain cleaning and repairs after the tenant vacated, and that the original security deposit does not cover all of the related costs he incurred. The landlord has not filed an application for dispute resolution.

Further to all of the above, the tenant claims that the landlord failed to return some of her personal possessions after tenancy ended, which she itemized in her application.

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 (the “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**, and provides that the parties may attempt to settle their dispute during a hearing. Pursuant to this provision, discussion between the parties led to a resolution. Specifically, it was agreed as follows:

RECORD OF SETTLEMENT

- that the landlord will retain \$100.00 from the \$300.00 security deposit originally collected from the tenant;
- that the landlord will repay the balance of the original security deposit to the tenant in the amount of \$200.00 (\$300.00 - \$100.00), and that a monetary order will be issued in favour of the tenant to that effect;
- that the above payment will be by cheque made payable to the tenant;
- that the cheque payment will be put into the mail to the tenant as soon as possible but by no later than midnight, Friday, January 18, 2013;
- that the above particulars comprise full and final settlement of all aspects of the dispute(s) arising from this tenancy for both parties.

Finally, for information, the attention of the parties is drawn to the following provisions of the Act and the Guidelines:

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 37: **Leaving the rental unit at the end of a tenancy**

Section 38: **Return of security deposit and pet damage deposit**

Section 45: **Tenant’s notice**

Guideline # 1: **Landlord & Tenant – Responsibility for Residential Premises.**

Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the tenant in the amount of **\$200.00**. 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: January 15, 2013