



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

Landlords: MNDC, FF and O
Tenants: MNDC, MNSD and FF

Introduction

This hearing was convened on applications by both the landlords and the tenants.

By application of November 5, 2012, the landlords sought a Monetary Order for loss of rent for one month and advertising costs after the tenants breached a one-year fixed term rental agreement signed on August 6, 2012. The breach occurred when the tenants advised the landlord on August 19, 2012 that they would not be moving in to the rental unit on September 1, 2012 as agreed.

The landlords' application had not requested authorization to retain the security deposit and was out of time to do so.

By application of December 27, 2012, the tenants made application for return of their security deposit in double under section 38 of the Act and for the costs of cancelling a number of post dated cheques the landlords had failed to return.

The dispute arose when, after signing the agreement, the tenants were advised by neighbours that bears frequented the area and when they learned that the rental address had been cautioned by local officials for improper garbage management. As parents of an infant, they had found the risk too great to proceed with the tenancy.

Settlement Agreement

Section 63 of the *Act* provides the parties to dispute resolutions proceedings an opportunity to settle their dispute and it empowers the director's delegate to record that settlement in a decision or orders.

In the present matter, the parties have agreed to settle their claims by the landlords retaining the security deposit of \$1,162.50 paid on August 6, 2012.

There are no other components of to this settlement and it constitutes a final and binding conclusion to the subject rental agreement.

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: February 01, 2013

Residential Tenancy Branch

