



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### Dispute Codes

Landlords: MNSD and FF  
Tenant: MNDC, MNSD, OLC, ERP, RP and FF

### Introduction

This decision addresses applications by both the landlords and the tenant.

The landlords' application of February 14, 2013 sought authorization to retain the tenant's security deposit in set off against unpaid rent after the tenant vacated the rental unit on insufficient notice and recovery of their filing fee from the tenant.

By application of January 31, 2013, the tenant sought a monetary award for loss of use of the rental unit due to a water intrusion, return of her security deposit, an order for the landlords to comply with the *Act*, orders for repairs and emergency repairs and recovery of her filing fee from the landlords. As the tenant vacated the rental unit the day after making application, the requests for orders for landlord compliance and repairs are dismissed as moot.

### Issue(s) to be Decided

The landlords' application requires a decision on whether they are entitled to a monetary award by way of retention of the security deposit for unpaid rent and recovery of their filing fee for this proceeding.

The tenant's application requires a decision on whether she is entitled to return of her security deposit and an award for loss or damages and recovery of her filing fee.

### Background and Evidence

This tenancy began on December 1, 2012 and ended on February 1, 2013 after the tenant had given written notice the day before. Rent was \$800 per month due on the first day of the month and the landlords hold a security deposit of \$400 on November 10, 2012.

This dispute arose following a water intrusion into the rental unit on January 19, 2013 resulting in the tenant giving notice on January 31, 2012 that she was vacating the following day.

### Settlement Agreement

Section 63 of the Act provides that:

- 1) The director may assist the parties, or offer the parties an opportunity, to settle their dispute.
- (2) If the parties settle their dispute during dispute resolution proceedings, the director may record the settlement in the form of a decision or an order.

During the present hearing, the parties did elect to settle this dispute between them as follows:

1. In addition to \$103.23 already paid to the tenant for loss of use, the parties agree that the landlord will return the \$400 security deposit to the tenant;
2. This agreement constitutes full and final settlement of all matters pertaining to the tenancy and the parties agree that neither will bring any further action against the other pertaining to this tenancy.

This agreement is final and binding.

Conclusion

The tenants' copy of this decision is accompanied by a Monetary Order for **\$400**, enforceable through the Provincial Court of British Columbia, for service on the landlords if payment is not made within a reasonable time.

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 26, 2013

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Residential Tenancy Branch

