



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNSD, FF

Introduction

This hearing concerns the tenant's application for a monetary order reflecting compensation for the double return of the pet damage deposit / and recovery of the filing fee. Both parties attended 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

There is no written tenancy agreement in evidence for this tenancy which began on April 15, 2012. There were two tenants at the start of tenancy. Monthly rent was \$1,000.00, and a security deposit of \$500.00 was collected. Additionally, as the tenant / applicant owned a pet, she paid a pet damage deposit in the amount of \$250.00. A move-in condition inspection report was completed at the start of tenancy.

After giving notice to end her tenancy, the tenant / applicant vacated the unit on November 1, 2012, while the other tenant continued with the tenancy. The remaining tenant and the tenant / applicant resolved between them the disposition of the security deposit. However, for a number of reasons, the landlord and the tenant / applicant were unable to resolve between them the disposition of her pet damage deposit.

During the hearing the parties undertook to reach a settlement of the dispute.

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

RECORD OF SETTLEMENT

- that the landlord will pay the tenant **\$275.00**, and that a **monetary order** will be issued in favour of the tenant to that effect;
- that the above amount is comprised of the original **pet damage deposit** of \$250.00, in addition to \$25.00, which is **half the filing fee**;
- that the tenant will e-mail her banking particulars to the landlord today, such that the landlord will make the above payment by way of **transferring funds into the tenant's bank account**;
- that the above payment will be completed by no later than **midnight, Friday, March 15, 2013**;
- that the above particulars comprise **full and final settlement** of all matters in dispute which are currently before me.

Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the tenant in the amount of **\$275.00**. 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: March 12, 2013

Residential Tenancy Branch

