



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR, MNDC, MNSD, FF / CNR, FF

Introduction

This hearing was scheduled in response to 2 applications: i) by the landlord for an order of possession / a monetary order as compensation for unpaid rent or utilities / compensation for damage or loss under the Act, Regulation or tenancy agreement / retention of the security deposit and pet damage deposit / and recovery of the filing fee; and ii) by the tenant for cancellation of a notice to end tenancy for unpaid rent or utilities / and recovery of the filing fee.

Both parties attended and/or were represented and gave affirmed testimony.

Issue(s) to be Decided

Whether either party is entitled to the above under the Act, Regulation or tenancy agreement.

Background and Evidence

Pursuant to a written tenancy agreement, the 5 year fixed term of tenancy is from October 1, 2011 to September 30, 2016. Monthly rent of \$4,300.00 is due and payable in advance on the first day of each month. A security deposit of \$2,150.00 and a pet damage deposit of \$2,150.00 were both collected.

During the hearing the parties testified that the miscellaneous aspects of the dispute have been resolved between them as follows:

- i) the parties mutually agree that tenancy ended effective March 31, 2013;
- ii) the parties mutually agree that the landlord's retention of the tenant's full security deposit of \$2,150.00 and the tenant's full pet damage deposit of

\$2,150.00, satisfies the tenant's obligation to pay rent for March 2013 in the full amount of \$4,300.00;

- iii) following from the above, the parties mutually agree that full payment of rent has been made up to March 31, 2013;
- iv) the parties mutually agree that at such time as the landlord is able to inform the tenant of the exact amount(s) due for payment of utilities (hydro and gas) the parties will undertake between them to resolve what portion of the amount(s) due is payable by the tenant;
- v) the parties mutually agree that garbage removal and payment for same has been resolved between them;
- vi) the parties withdraw their respective applications to recover the filing fee(s).

Conclusion

As set out above, the parties have resolved all aspects of the dispute between them.

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: April 08, 2013

Residential Tenancy Branch

