



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Decision Codes: MNR, MND, MNSD & MNDC

Introduction

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the Application for Dispute Resolution/Notice of Hearing was personally served on the tenants on April 11, 2013. With respect to each of the applicant's claims I find as follows:

Issues to be Decided

The issues to be decided are as follows:

- a. Whether the landlord is entitled to a monetary order and if so how much?
- b. Whether the landlord is entitled to retain all or a portion of the security deposit/pet deposit?
- c. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence:

The tenancy began on July 1, 2012. The tenancy agreement provided that the tenant(s) would pay rent of \$1000 per month payable on the first day of each month. The tenants paid a security deposit of \$450 at the start of the tenancy.

On March 15, 2013 the tenants gave the landlord notice they were vacating the rental unit on March 31, 2013. The tenants left at that time.

The landlord claims the sum of \$5000 including \$610 in unpaid rent for March and \$1000 for loss of rent for April. The landlord also claimed for damage to the rental unit.

The tenant disputed many of the landlords claims. The tenant also alleged he has a claim for personal belongings the landlord kept as collateral that the landlord subsequently disposed of. The landlord testified most of the goods did not have any value. She has retained a Canon camera and a RCA surround system.

Settlement:

At the end of the hearing the parties reached a settlement and they asked that I record the settlement pursuant to section 63(2) of the Residential Tenancy Act as follows:

1. The tenants shall pay to the landlord the sum of \$2750.
2. The landlord retaining the security deposit in the sum of \$450 thus reducing the amount outstanding to \$2300.
3. The landlord shall return to the Tenant the Canon camera and the RCA surround system.
4. This is a full and final settlement and each party releases and discharges the other from all further claims with respect to this tenancy including, but not limited to the landlord's claim for damage to the rental unit and siding and the tenants' claim for lost personal property.

Monetary Order and Cost of Filing fee

In summary I ordered the tenants pay to the landlord the sum of \$2750.

Security Deposit

I determined the security deposit plus interest totals the sum of \$450. I ordered the landlord may retain this sum thus reducing the amount outstanding under this monetary order to the sum of \$2300.

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial 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: May 21, 2013

Residential Tenancy Branch

