



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MND, MNSD, MNR, MNDC, FF

Introduction

This hearing dealt with applications by the landlord and the tenant, pursuant to the *Residential Tenancy Act*. The landlord applied for a monetary order for cleaning, the cost of repairs and the filing fee and to retain the security in partial satisfaction of her claim. The tenant applied for a monetary order for the return of the security deposit and for the recovery of the filing fee.

Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

Issues to be decided

Has the landlord established a claim for a monetary order? Is the landlord entitled to keep the security deposit or has the tenant established a claim for its return?

Background and Evidence

The tenancy started on September 07, 2012 for a fixed term ending August 31, 2013. The rent was \$1,000.00 and the tenant paid security and pet deposits in the total amount of \$1,000.00. On January 01, 2013, the tenant gave the landlord notice to end effective January 31, 2013. A new tenant was found for February 01, 2013.

The claims made by both parties against each other were discussed at length. During the hearing the parties engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

Analysis

Pursuant to Section 63 of the *Residential Tenancy Act*, the Arbitrator may assist the parties settle their dispute and if the parties settle their dispute during the hearing, the settlement may be recorded in the form of a decision or an order. During this hearing, the parties reached an agreement to settle these matters, on the following conditions:

1. The tenant agreed to allow the landlord to retain \$350.00 from the security deposit in full and final settlement of all claims against the landlord.
2. The landlord agreed to accept \$350.00 in full settlement of her claim against the tenant and return \$650.00 to the tenant within 15 days of receipt of this decision. A monetary order will be issued in favour of the tenant for this amount.
3. Both parties stated that they understood and agreed that the above particulars comprise **full and final settlement** of all aspects of the dispute for both parties.

Conclusion

Pursuant to the above agreement, I grant the tenant a monetary order under section 67 of the *Residential Tenancy Act* for the amount of **\$650.00**. This order may be 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: June 11, 2013

Residential Tenancy Branch