



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: MNR, MDSD & FF

### **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.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on the Tenant by mailing, by registered mail to where the tenant reside. With respect to each of the applicant's claims I find as follows:

### **Issue(s) 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 May 1, 2012 when the parties entered into a one year fixed term tenancy agreement that provided that the tenancy would commence on May 1, 2012

and end on April 30, 2013. The rent was \$1100 per month payable on the first day of each month. The tenant(s) paid a security deposit of \$550 at the start of the tenancy.

In tenants moved out of the rental unit at the end of January 2013. The landlord claims \$3850 including 3 months loss of rent and damage to the rental unit. The tenant disputes these claims alleging the landlord failed to mitigate their loss by renting the rental unit to a proposed tenant.

Settlement:

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 landlord shall retain the security deposit of \$550.
2. In addition, the tenant shall pay to the landlord the sum of \$1375 by July 15, 2013.
3. This is a full and final settlement and each party releases and discharges the other from all further claims with respect to this tenancy.

Analysis - Monetary Order and Cost of Filing fee

**As a result of the settlement I ordered that the landlord shall retain the security deposit. I further ordered that the tenant pay to the landlord the sum of \$1375 by July 15, 2013.**

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: June 18, 2013

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Residential Tenancy Branch

