



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: MNDC

### Introduction

This hearing concerns an application by the tenants for a monetary order as compensation for damage or loss under the Act, Regulation or tenancy agreement. Both parties attended and / or were represented and gave affirmed testimony.

### Issue(s) to be Decided

Whether the tenants are entitled to the above under the Act, Regulation or tenancy agreement.

### Background and Evidence

Pursuant to a written tenancy agreement, the fixed term of tenancy is from July 1, 2013 to June 30, 2015. Monthly rent of \$3,300.00 is due and payable in advance on the first day of each month. A security deposit of \$1,650.00 and a pet damage deposit of \$1,650.00 were collected. A move-in condition inspection report was not completed with the participation of both parties. However, the tenants undertook to complete a move-in condition inspection report in the absence of the landlords over a 3 day period shortly after tenancy began.

By e-mail and by letter dated July 30, 2013, the tenants gave notice to end tenancy effective August 31, 2013. Subsequently, the tenants vacated the unit by August 31, 2013. No forwarding address was provided by the tenants to the landlords.

In summary, the tenants take the position that the unit is not suitable for occupancy, and in their application they seek reimbursement of costs associated with a house inspection, the services of a locksmith, and moving. For their part, the landlords take the position that all reasonable efforts were made to address the miscellaneous concerns of the tenants. Further, the landlords contemplate the filing of an application for dispute resolution for recovery of the loss of rental income as a result of the tenants' early termination of the fixed term tenancy, in addition to recovery of costs arising from certain damages.

During the hearing the parties exchanged views around some of the circumstances surrounding the dispute, and undertook to achieve a resolution.

### 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](http://www.rto.gov.bc.ca)

Section 63 of the Act speaks to 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 tenants **withdraw** all aspects of their application;
- that the landlords will retain the tenants' full **security deposit** of **\$1,650.00**;
- that the tenants will pay the landlords **\$8,250.00**, and that a **monetary order** will be issued in favour of the landlords to that effect;
- that the above payment reflects the tenants' agreement to pay the landlords the equivalent of 3 months' rent under the tenancy agreement (3 x \$3,300.00 = **\$9,900.00**), **MINUS** a credit in favour of the tenants in the amount of the **pet damage deposit** of **\$1,650.00** (\$9,900.00 - \$1,650.00);
- that the tenants' payment of \$8,250.00 will be by **certified cheque** which is made payable to the landlords' legal counsel (as per details included in the landlords' documentary submissions);
- that the certified cheque will be mailed to the office of the landlords' legal counsel as soon as possible but, put into the mail by no later than **midnight, Friday, September 13, 2013**;
- that the above particulars comprise **full and final settlement** of all aspects of the dispute(s) arising from this tenancy for both parties.

Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlords in the amount of **\$8,250.00**. Should it be necessary, this order may be served on the tenants, 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: September 10, 2013

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Residential Tenancy Branch

