



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Mainstreet Equity Corp.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNDC, MNSD, FF

Introduction

This was a hearing with respect to the landlord's application for a monetary order. The hearing was conducted by conference call. The landlord's agent and the tenant called in and participated in the hearing.

Issue(s) to be Decided

Is the landlord entitled to a monetary award and if so, in what amount?

Background and Evidence

The rental unit is an apartment in Surry. The tenancy started on November 1, 2012. Monthly rent was \$750.00 and the tenant paid a \$375.00 security deposit at the start of the tenancy. The tenancy agreement was for a one year term. The tenant gave notice and moved out of the rental unit on May 31, 2013. The landlord has claimed payment of a \$350.00 "Lease Break Fee" provided by the tenancy agreement and for the return of rental incentives in the amount of \$94.00 for each of the seven months of the tenancy. Pursuant to the rental incentive agreement the tenant's rent was reduced by \$94.00 each month and she paid \$656.00 each month. The incentive agreement required the tenant to repay the incentives if she ended the tenancy before the end of the fixed term. The total amount of the incentive received by the tenant is the sum of \$658.00.

At the hearing the landlord agreed that if the tenant agrees to pay the rental incentive amount the landlord will not claim payment of the lease break fee. The tenant accepted this proposal.

Analysis and Conclusion

As claimed by the landlord and as agreed by the parties I grant the landlord's claim for repayment of rental incentives in the amount of \$658.00. The landlord is entitled to recover the \$50.00 filing fee for this application for a total award of \$708.00. The claim for a lease break fee is dismissed by consent. I order that the landlord retain the \$375.00 security deposit in partial satisfaction of this award and I grant the landlord an order under section 67 for the balance of \$333.00. This order may be registered 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 12, 2013

Residential Tenancy Branch

