



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

Rental Unit 306: CNC; MNSD; FF; O

Rental Unit 316: CNC

Introduction

This Hearing dealt with a Tenant's Application for Dispute Resolution seeking to cancel two Notices to End Tenancy; for return of the security deposit on rental unit 306; and to recover the cost of the filing fee from the Landlord.

The Hearing was conducted via teleconference and was attended by both parties, who gave affirmed testimony.

Preliminary Matters

The Tenant has lived at the rental property for 2 ½ years. She started living in unit 306, but moved to unit 316 in late July, 2013. The Landlord has not returned her security deposit from rental unit 306, and has filed an application against it, which is set to be heard by teleconference on January 7, 2014.

The Tenant stated that the security deposit from unit 306 was supposed to be transferred to unit 316. The Landlord stated that they are two separate units and therefore, the Landlord applied part of the Tenant's first rental payment for unit 316 towards the security deposit for unit 316.

During the course of the Hearing, the parties reached a settlement agreement. Pursuant to the provisions of Section 63 of the Act and at the request of the parties, I have hereby recorded the terms of the settlement.

1. The Notices to End Tenancy are withdrawn, with the Tenant's consent.
2. The Landlord and the Tenant will enter into tenancy agreement for rental unit 316, with all of the same terms and conditions as the tenancy agreement currently in place, except that it will be a month-to-month tenancy instead of a 1 year term lease.
3. The Landlord agrees that the Tenant has paid rent in full to and including October, 2013.

4. The Landlord will transfer the security deposit from rental unit 306 to rental unit 316 and the Tenant does not owe any money towards the security deposit for rental unit 316.

Conclusion

The tenancy remains in full force and effect until it is ended in accordance with the provisions of the Act.

The security deposit for rental unit 306 has been transferred to rental unit 316 and therefore the Landlord's application scheduled for January 7, 2014, is canceled.

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: October 21, 2013

Residential Tenancy Branch

