



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, MNSD, FF

Introduction

This was a hearing with respect to the tenant's application for a monetary award including compensation and for the return of her security deposit, including double the amount of the deposit. The hearing was conducted by conference call. The tenant and the landlord called in and participate in the hearing.

Issue(s) to be Decided

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

Background and Evidence

The rental unit is the upper suite in a house in Nanaimo. The tenancy began on June 1, 2012, for a one year term and thereafter month to month. Monthly rent was \$1,400.00 plus a share of utilities. The tenant paid a \$700.00 security deposit at the start of the tenancy.

The tenancy ended pursuant to a two month Notice to End Tenancy and the tenant moved out at just before the end of June, 2013. In her application for dispute resolution the tenant has claimed the sum of \$1,590.00, made up of double the amount of her security deposit plus an additional \$140.00 claimed for the three day period the landlord is said to have occupied the rental unit at the end of June. The claimed amount also includes the \$50.00 filing fee paid for this application.

At the end of the tenancy the landlord offered to return the amount of the tenant's security deposit, less a deduction for utilities. The tenant disagreed with the amount to be deducted for utilities and rejected the proffered payment. She then commenced this proceeding.

Analysis

At the hearing the parties were invited to discuss a settlement of the tenant's claim that would also involve resolution of all other matters relating to the tenancy. The tenant and the landlord agreed to resolve all outstanding matters, including the tenant's claim for damages and the return of her security deposit as well as any and all claims that the landlord may have against the tenant arising out of the tenancy, including any and all claims for outstanding utilities, including Hydro utilities and City water charges. The tenant agreed to accept the sum of \$750.00 in full and final satisfaction of all her claims made in this proceeding and arising out of the tenancy agreement and the landlord agreed that any and all claims that she may have, arising out of the tenancy, including any claims for payment of utilities have been fully paid and satisfied. The parties requested that I give effect to the settlement agreement by recording it in this decision and by granting the tenant a monetary order in the amount agreed to be paid by the landlord.

At the hearing the landlord agreed to deliver a cheque to the tenant in the amount of the agreed settlement. That cheque, when negotiated will constitute full payment of the monetary order granted to the tenant.

Conclusion

Pursuant to the agreement of the parties I grant the tenant a monetary order under section 67 in the amount of \$750.00. 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: October 25, 2013