



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNR, FF
MNDC, MNSD, FF

Introduction

This hearing was scheduled in response to 2 applications: i) by the landlord for a monetary order as compensation for unpaid rent / and recovery of the filing fee; and ii) by the tenants for a monetary order as compensation for damage or loss under the Act, Regulation or tenancy agreement / return of the security deposit / and recovery of the filing fee. Both parties attended and gave affirmed testimony.

Issue(s) to be Decided

Whether either party is entitled to any of the above under the Act, Regulation or tenancy agreement.

Background and Evidence

Pursuant to a written tenancy agreement, the tenancy began May 1, 2010. Monthly rent of \$1,000.00 was due and payable in advance on the first day of each month, and a security deposit of \$500.00 was collected.

Effective May 1, 2013, rent was increased to \$1,100.00 per month, and the tenants began paying rent of \$150.00 per month for use of a tool shed located on the property. As a result of certain tensions that arose between the parties, the tenants vacated the unit on or about August 31, 2013. The tenants did not provide the landlord with a forwarding address at that time. Thereafter, the landlord testified that a new renter was found for the unit effective October 1, 2013.

The landlord filed her application for dispute resolution on September 10, 2013, and the tenants filed their application on December 17, 2013.

During the hearing the parties exchanged views on 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, forms and more can be accessed via the website: 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 landlord will **retain** the tenants' full security deposit of **\$500.00**;
- that the landlord's retention of the tenants' security deposit reflects **full and final settlement** of all aspects of the dispute arising from this tenancy for both parties, such that neither party will file another application for dispute resolution concerning this tenancy.

Conclusion

Pursuant to the settlement reached between the parties, as above, the landlord is hereby ordered to retain the tenants' full security deposit of \$500.00.

Any and all remaining aspects of the dispute are hereby resolved pursuant to the agreed upon final disposition of the security deposit.

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: December 30, 2013

Residential Tenancy Branch

