



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, MNSD & FF

### Introduction

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the Application for Dispute Resolution/Notice of Hearing was filed by each party was sufficiently served on the other.

### Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the landlord is entitled to A Monetary Order and if so how much?
- b. Whether the landlord is entitled to retain all or a portion of the security deposit/pet deposit?
- c. Whether the landlord is entitled to recover the cost of the filing fee?
- d. Whether the tenant is entitled to a monetary order and if so how much?
- e. Whether the tenant is entitled to recover the cost of the filing fee?

### Background and Evidence

The parties entered into a written tenancy agreement that provided that the tenancy would start on June 1, 2013, the rent was \$2000 per month in advance payable on the

first day of each month and end on May 31, 2014. The tenant paid a security deposit of \$1000 at the start of the tenancy. On July 1, 2013 a flood occurred in the rental unit caused by a burst water pipe. The tenant was forced to vacate the rental unit. The landlord took steps to remediate the damage. She testified it was fully remediated by the middle of August. However, prior to that time the tenant gave the landlord notice stating he took the position the tenancy had ended through frustration.

The tenant claims \$1000 for the return of his security deposit. The landlord claims \$3050 for one and half months of lost rent..

Settlement:

At the end of the hearing the parties reached a settlement and they asked that I record the settlement pursuant to section 63(2) of the Residential Tenancy Act as follows:

- a. The landlord shall pay to the tenant the sum of \$500.
- b. This is a full and final settlement and each party releases and discharges the other from all further claims with respect to this tenancy.

**As a result of the settlement I order the Landlord pay to the Tenant the sum of \$500.**

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial 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: December 17, 2013

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Residential Tenancy Branch

