



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, MDSD & 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 filed by each party was sufficiently served on the other. With respect to each of the applicant's claims I find as follows:

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 recover the cost of the filing fee?
- c. Whether the tenants are entitled to a Monetary Order and if so how much?
- d. Whether the tenant are 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 25, 2013, would be a 6 month term and become month to month

after that.. The rent is \$1350 per month payable in advance on the first day of each month. The tenancy ended on December 7, 2013.

The landlord have filed a claim seeking a monetary order of \$1496.97 including claims loss of rent for the period December 7, 2013 to December 31, 2013 and the cost of repairing damage to a wall. The tenants have filed a claim seeking a monetary claiming \$2789.03 including a monetary order for double the security deposit, the cost of boarding their dog , recovery of the portion of rent paid for December and breach of the covenant of quiet enjoyment.

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 retain the rent for December in the sum of \$304 that has already been paid.
- b. The landlord shall pay to the tenants one half of the security deposit in the sum of \$337.50.
- c. The landlord shall retain the balance of the security deposit.
- d. The parties request the arbitrator issue a monetary order to reflect this settlement.
- e. 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 ordered that the landlord pay to the tenants one half of the security deposit in the sum of \$337.50. I further order that the landlord shall retain the balance of the security deposit.

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: February 06, 2014

Residential Tenancy Branch

