



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: OPB, MNSD, FF  
MNDC, MNSD, FF

### Introduction

This hearing concerns 2 applications: i) by the landlord for an order of possession / retention of the security deposit / and recovery of the filing fee; and ii) by the tenant for a monetary order as compensation for damage or loss under the Act, Regulation or tenancy agreement / compensation reflecting the double 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 fixed term of tenancy is from February 26, 2013 to March 01, 2014. Monthly rent of \$1,150.00 was due and payable in advance on the first day of each month, and a security deposit of \$575.00 was collected. A move-in condition inspection report was not completed.

In August 2013 the tenant verbally informed the landlord that she would be unable to continue to pay the full amount of monthly rent. Subsequently, the tenant paid rent in full to the end of September 2013, she vacated the unit on September 30, 2013, and by letter of the same date she provided the landlord with her forwarding address in writing for the purposes of return of the security deposit. To date, no portion of the security deposit has been returned. A move-out condition inspection report was not completed.

Arising from advertising undertaken by the landlord, a new renter was found effective from October 1, 2013.

The tenant filed an application for dispute resolution on February 06, 2014, and the landlord filed an application for dispute resolution on March 14, 2014.

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](http://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 repay the tenant's full security deposit of **\$575.00**, and that a **monetary order** will be issued in favour of tenant "JR" for that amount;
- that the above payment will be by **certified cheque** made payable to tenant "JR," and mailed to tenant "JR" at her P.O. Box address as provided in her letter to the landlord by date of September 30, 2013;
- that the certified cheque will be put into the mail by not later than **midnight, Monday, June 02, 2014**;
- that the above particulars comprise **full and final settlement** of all issues in dispute for both parties which arise out of this tenancy.

Going forward, for information, the attention of the parties is drawn to the following particular sections of the Act:

Section 23: **Condition inspection: start of tenancy or new pet**

Section 24: **Consequences for tenant and landlord if report requirements not met**

Section 35: **Condition inspection: end of tenancy**

Section 36: **Consequences for tenant and landlord if report requirements not met**

Section 38: **Return of security deposit and pet damage deposit**

Section 45: **Tenant's notice**

Section 52: **Form and content of notice to end tenancy**

Section 7: **Liability for not complying with this Act or a tenancy agreement**

Conclusion

The dispute is settled pursuant to section 63 of the Act.

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of tenant "JR" in the amount of **\$575.00**. Should it be necessary, this order may be served on the landlord, filed 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: May 26, 2014

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Residential Tenancy Branch

