



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPB, MNR, MDSD, MNDC & 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 an Order for Possession?
- b. Whether the landlord is entitled to A Monetary Order and if so how much?
- c. Whether the landlord is entitled to retain all or a portion of the security deposit/pet deposit?
- d. Whether the landlord is entitled to recover the cost of the filing fee?
- e. Whether the Tenants are entitled to a monetary order and if so how much?
- f. Whether the tenants are entitled to recover the cost of the filing fee?

Background and Evidence

The parties entered into a fixed term written tenancy agreement that provided that the tenancy would start on May 10, 2013 and end on July 31, 2014. The rent was \$2400 per month. The tenants paid the 15 months rent in advance at the start of the tenancy. The tenants also paid \$1250 security deposit and \$1250 pet damage deposit. The tenants vacated the rental unit at the end of July.

The landlord alleges she has claim for damage to the rental property.

The tenant claims a monetary order in the sum of \$6564 including reimbursement for the cost of a deck rebuild, the return of the security deposit and pet damage deposit, interest earned on the lump sum rent payment, the cost of a dog fence and the cost of hydro for the garage.

Landlord's Claim:

The landlord has regained possession. As a result I dismissed the landlord's claim for an Order for Possession. The landlord's Application for Dispute Resolution seeks a monetary order in the sum of \$2400 for loss of rent for August plus the cost of the filing fee. I dismissed the landlord's monetary claim as the tenants have vacated the rental unit in accordance with the lease and the landlord has not suffered a monetary claim as a result of the tenants.

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:

1. The landlord shall pay to the tenants the sum of \$1750 from the security deposit and pet damage deposit.
2. The landlord shall retain the balance of the security deposit and pet damage deposit.
3. 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 the sum of \$1750 from the security deposit and pet damage deposit. I further ordered that Landlord shall retain the balance of the security deposit and pet damage deposit. I further ordered that all other claims in the Application for Dispute Resolution filed by each party shall be dismissed.

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: August 01, 2014

Residential Tenancy Branch

