



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes FF, MNR, MND, MNSD & MNDC

### 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 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 an order for double the security deposit?
- 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 July 1, 2009 and continue on a month to month basis. The tenant paid a security deposit of \$850 on April 30, 2009. The tenancy ended on June 1, 2014. The rent at the time the tenancy ended was \$1825 per month payable in advance on the first day of each month.

The Application for Dispute Resolution filed by the landlord claims the sum of \$850. The landlord stated at the hearing that she has claims exceeding \$2100. The Application for Dispute Resolution filed by the tenant seeks a monetary order for double the deposit or the sum of \$1700.

Both parties failed to provide their evidence within the time period set out in the Rules of Procedure and the hearing of these claims would have been adjourned had the parties not been able to settle.

Settlement:

The parties reached a settlement at the hearing 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 \$425.
- b. The landlord shall retain the right to cash post dated cheques in the sum of \$397.50 dated August 21, 2014 and September 21, 2014 when due.
- c. 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 Tenant the sum of \$425 in satisfaction of these matters.**

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 13, 2014

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Residential Tenancy Branch

