



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MND, MNSD, MNR, FF

Introduction

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for a monetary order for loss of income, for the cost of repairing a pond and to recover the filing fee. The landlord also applied to retain a portion of the security deposit in satisfaction of the claim. Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

The parties acknowledged receipt of evidence submitted by the other and gave affirmed testimony.

Issues to be decided

Has the landlord established a claim for loss of income, cost to repair a pond and to recover the filing fee?

Background and Evidence

The tenancy started on July 01, 2013 for a fixed term of six months with an effective end date of December 31, 2013. The rent was \$8,000.00 and was due in advance on the first day of each month. Prior to moving in, the tenant paid a security deposit of \$12,000.00. On November 13, 2013, the tenant gave notice to end the tenancy effective November 30, 2014.

The claim made by the landlord, the excessive amount of the security deposit and the reason for ending the tenancy prior to the end date of the fixed term were discussed at length. During the hearing the parties engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

Analysis

Pursuant to Section 63 of the *Residential Tenancy Act*, the Arbitrator may assist the parties settle their dispute and if the parties settle their dispute during the hearing, the settlement may be recorded in the form of a decision or an order.

During this hearing, the parties reached an agreement to settle these matters, on the following conditions:

1. The tenant agreed to allow the landlord to retain \$2,000.00 from the security deposit in full and final settlement of all claims against the landlord.
2. The landlord agreed to accept \$2,000.00 in full and final settlement of all claims against the tenant.
3. The landlord agreed to return \$10,000.00 to the tenant within 15 days of receipt of this decision. A monetary order in the amount of \$10,000.00 will be granted to the landlord. The tenant will pay this amount "in trust" to the agent K.W. who represented the tenant at the hearing
4. Both parties stated that they understood and agreed that the above particulars comprise **full and final settlement** of all aspects of the dispute for both parties.

Conclusion

Pursuant to the above agreement, I grant the tenant a monetary order under section 67 of the *Residential Tenancy Act*, for **\$10,000.00**. This order may be 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: September 03, 2014

Residential Tenancy Branch

