



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNSD

### 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 the tenant was sufficiently served on the landlord as the landlord acknowledged receiving the documents. 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 tenant is entitled to a monetary order and if so how much?
- b. Whether the tenant is entitled to recover the cost of the filing fee?

### Background and Evidence

The tenancy began on April 1, 2011. The tenancy ended on October 12, 2014 after the landlord gave the tenant a notice dated September 1, 2014 that stated the tenancy was to end on October 31, 2014 as the landlord intended to move in. The Notice was not on the approved form provided by the Residential Tenancy Branch. The rent is \$1000 per

month payable on first day of each month. The tenant(s) paid a security deposit of \$500 on February 28, 2011.

The tenant was given the benefit of the “equivalent of one month rent” provided under section 51 of the Act as he did not pay the rent for October. The tenant vacated the rental unit on October 12, 2015.

The Application for Dispute Resolution filed by the tenant seeks a monetary order in the sum of \$3000 including a claim for double the deposit and the equivalent of one month rent and damages. The landlord has not filed an Application for Dispute Resolution. However, she has filed document which allege she has a claim against the tenant in the sum of \$994.64 for damage to the rental unit and the failure to clean.

Settlement:

At 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 pay to the tenant the sum of \$1163 (this includes reimbursement of the cost of the filing fee).
- b. The parties request the arbitrator issue a monetary order in this sum.
- c. This is a full and final settlement and each party releases and discharges the other from all further claims with regard to this tenancy.

Monetary Order and Cost of Filing fee

**As a result of the settlement I ordered the landlord(s) to pay to the tenant the sum of \$1163.**

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: March 03, 2015

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Residential Tenancy Branch

