



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MND, MNDC, MNSD, 0

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 landlords was sufficiently served on the tenants by registered mail. The tenants were unable to serve the landlords with their Application for Dispute Resolution. However, the landlords were advised of the nature and amount of the claim and they stated they wished to proceed at this time.

Issue(s) to be decided:

The issues to be decided are as follows:

- a. Whether the tenants are entitled to a monetary order and if so how much?
- b. Whether the tenants are entitled to recover the cost of the filing fee?
- c. Whether the landlord is entitled to a monetary order and if so how much?
- d. Whether the landlord is entitled to retain all or a portion of the security deposit/pet deposit?
- e. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence

The parties entered into a six month written tenancy agreement that provided that the tenancy would start on August 1, 2014. The landlord served a two month Notice to End Tenancy on the tenants that set the end of tenancy for March 1, 2015. The tenancy ended at the end of March 2015. The tenants paid deposits totaling \$1000. The landlords have returned \$500 of that sum.

The landlords filed an Application for Dispute Resolution seeking a monetary order in the sum of \$500 for damage to the rental unit.

The tenants filed an Application for Dispute Resolution seeking monetary order in the sum of \$3400 including the equivalent of 2 months rent alleging the landlord sold the rental unit when the 2 month Notice to End stated they intended to move in.

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 landlords shall pay to the Tenants the sum of \$1550.
- b. 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 that the landlords shall pay to the Tenants the sum of \$1550. All other claims are dismissed.

It is further Ordered that this sum be paid forthwith. The Tenants are given a formal Order in the above terms and the Landlords must be served with a copy of this Order as soon as possible.

Should the Landlords 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: September 14, 2015

Residential Tenancy Branch

