



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC MNSD FF

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* ("the *Act*") for a monetary order for compensation for damage or loss under the *Act*, regulation or tenancy agreement pursuant to section 67; authorization to obtain a return of all or a portion of her security deposit pursuant to section 38; and authorization to recover the filing fee for this application from the landlord pursuant to section 72.

Both parties attended the hearing and were given an opportunity to be heard, to present sworn testimony and to make submissions. The landlord's son also attended this hearing to assist. The landlord confirmed receipt of the tenant's application for dispute resolution including evidence. Before the conclusion of this hearing, the parties discussed the issues between them, engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

Background and Evidence

This tenancy began in November 2014 and was scheduled to continue for a fixed term of one year. Both parties agreed that the landlord provided the tenant with a 2 Month Notice to End Tenancy for Landlord's Use and shortly thereafter the tenant advised the landlord that she would vacate the rental unit on October 31, 2015. The tenant vacated the rental unit on October 31, 2015 but did not pay rent for the month of October 2015. The landlord did not return the tenant's security deposit when he received her forwarding address on November 2, 2015.

Ultimately, the parties agreed that the landlord would retain the security deposit paid by the tenant at the outset of the tenancy and that the landlord would pay the tenant \$500.00 in compensation for expenses as a result of the tenancy.

Analysis

Pursuant to section 63 of the *Act*, the Arbitrator may assist the parties to settle their dispute and if the parties settle their dispute during the dispute resolution proceedings,

the settlement may be recorded in the form of a decision or an order. Given the agreement reached between the parties during the proceedings, I find that the parties have settled their dispute and the following records this settlement as a decision:

The Parties mutually agreed as follows:

1. The landlord agreed to pay the tenant \$500.00 on or before July 31, 2016.
2. The tenant agreed that the landlord would retain the tenant's security deposit in full compensation for the October 2015 unpaid rent.
3. These terms comprise the full and final settlement of all aspects of this dispute and this tenancy for both parties.

Conclusion

To give effect to the settlement reached between the parties, I issue the tenant a monetary order in the amount of \$500.00.

The tenant is provided with this monetary Order in the above terms and the landlord must be served with this Order as soon as possible. Should the landlord fail to comply with the 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: June 16, 2016

Residential Tenancy Branch