



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

The Application for Dispute Resolution filed by the landlord makes the following claims:

- a. A monetary order in the sum of \$7230 for loss or rent and damages
- b. An order to keep the security deposit.
- c. An order to recover the cost of the filing fee

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. The parties acknowledged they had received the documents of the other party.

I find that the Application for Dispute Resolution/Notice of Hearing was served on DB by mailing by registered mail and on GS in accordance with the order for substituted service. 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?

Background and Evidence

The parties entered into a written tenancy agreement that provided that the tenancy would start on November 30, 2016 with rent at \$2525 per month payable in advance on the first day of each month. The tenants paid a security deposit of \$1262.50 prior to the start of the tenancy.. The rent at the end of the tenancy was \$2613.75.

The tenancy ended on August 31, 2016. The landlords initially claimed \$14,403 but reduced it to \$7230 prior to the hearing. The tenants stated they have a claim against the landlords for breach of the covenant of quiet enjoyments and breach of privacy which they have not yet made but intend to do so..

Settlement:

After a lengthy hearing and lengthy settlement discussion 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 retain the security deposit in the sum of \$1262.50.
- b. In addition the Tenants shall pay to the Landlords the sum of \$700.
- c. The parties request that the arbitrator issue a monetary order for the amounts above.
- d. This is a full and final settlement and each party releases and discharges the other from all further claims with respect to this tenancy.

Monetary Order and Cost of Filing fee

As a result of the settlement I ordered that the landlords shall retain the security deposit of \$1262.50. In addition I ordered that the Tenants pay to the Landlords the sum of \$700. All other claims are dismissed.

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: December 13, 2016

Residential Tenancy Branch