



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: *MNSD, FF*

Introduction

This hearing dealt with an application by the tenant, pursuant to section 38 of the *Residential Tenancy Act*, for a monetary order for the return of double the security deposit and for the recovery of the filing fee.

Both parties attended the hearing and were given full opportunity to present evidence and make submissions. The landlord acknowledged receipt of evidence submitted by the tenant. Both parties gave affirmed testimony.

Issues to be Decided

Is the tenant entitled to the return of double the security deposit and the filing fee?

Background and Evidence

The tenancy started on September 01, 2015, for a fixed term of one year. Prior to moving in, the tenant paid a security deposit of \$725.00. The tenant moved out on May 25, 2016. The tenant agreed that he ended the fixed term tenancy prior to the end date of August 31, 2016. The landlord agreed that she received the tenant's forwarding address on May 25, 2016.

The landlord was successful in finding a tenant for June 01, 2016 and therefore did not suffer a loss of income. The tenant made this application for the return of double the deposit on June 23, 2016.

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 accept \$825.00 in full and final satisfaction of all claims against the landlord.
2. The landlord agreed to pay the tenant \$825.00 in full and final settlement of all claims against the tenant.
3. A monetary order in this amount will be granted to the tenant.
4. Both parties stated that they understood and agreed that the above particulars are binding and comprise full and final settlement of all aspects of the dispute for both parties.

I grant the tenant an order under section 67 of the *Residential Tenancy Act* for the amount of \$825.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

Pursuant to the above agreement, I grant the tenant a monetary order in the amount of **\$825.00**.

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 20, 2016

Residential Tenancy Branch