



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, MNSD, FF

Introduction

The Application for Dispute Resolution filed by the Tenant seeks the following:

- a. A monetary order in the sum of \$2400.
- b. 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.

I find that the Application for Dispute Resolution/Notice of Hearing was served on the landlord by mailing, by registered mail to where the landlord carries on business on January 26, 2017. 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 tenants are entitled to the return of double the security deposit/pet deposit?
- b. Whether the tenants are entitled to the equivalent of double the rent under section 51(2) of the Act?
- c. Whether the tenant 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 1, 2012. The rent was \$800 per month payable in advance on first day of each month. The tenant(s) paid a security deposit of \$400 at the start of the tenancy.

At the end of October 2016 the landlord served a 2 month Notice to End Tenancy on the Tenants based on the ground that "The landlord has all of the necessary permits and approval required by law to demolish the rental unit, or renovate or repair the rental unit in a manner that requires vacant possession."

The tenants returned the keys on December 27, 2016 and vacated the rental unit.

The landlord has not yet demolished the rental unit. He testified that the intention is to mine the rental property (it is in a gravel pit) and it may be necessary to demolish the rental property in the future. The security deposit of \$400 was returned to the tenants on January 18, 2017. The landlord alleged he had claims against the tenant for their share of the Fortis gas and for a personal loan.

Settlement:

At the end of 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 Tenants the sum of \$1500.
- b. The parties asked the arbitrator to 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 respect to this tenancy.

Monetary Order and Cost of Filing fee

I ordered the landlord(s) to pay to the tenant the sum of \$1500.

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 final and binding on both parties.

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 06, 2017

Residential Tenancy Branch