



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: *MNDC, MNSD, FF*

Introduction

This hearing dealt with an application by the landlord to recover a loss of income and for an order allowing him to retain the security deposit towards this loss. The landlord also applied for the recovery of the filing fee. Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

Issues to be Decided

Is the landlord entitled to a monetary order for a loss of income? Is the landlord entitled to retain the security deposit in partial satisfaction of his claim?

Background and Evidence

Both parties agreed that the tenancy was due to start in December 2016 and that the tenant had paid a security deposit of \$650.00. The tenant stated that she did not move in because she found the rental unit unsuitable for occupancy, after she had paid the deposit.

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 allow the landlord to keep the security deposit of \$650.00 in full and final settlement of all claims against the landlord.
2. The landlord agreed to accept the deposit of \$650.00 in full and final settlement of all claims against the tenant.
3. 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.

Conclusion

Pursuant to the above agreement, I order the landlord to retain the deposit of \$650.00 in full and final settlement of all claims against the tenant.

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 07, 2017

Residential Tenancy Branch