



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

Decision

Dispute Codes: MNDC, MNSD, FF

Introduction

This hearing dealt with an application from the tenant for a monetary order as compensation for alleged overpayment of utilities, double return of the security deposit, and recovery of the filing fee for this application. Both parties participated in the hearing and gave affirmed testimony.

Issue to be Decided

- Whether the tenant is entitled to a monetary order under the Act

Background and Evidence

Pursuant to two residential tenancy agreements, the term of tenancy was from March 1, 2006 to February 28, 2007. The first agreement reflected these aforementioned dates, and following the departure of one of two original tenants, a second agreement was entered into between the landlords and the subject tenant for the period from September 1, 2006 to February 28, 2007. Rent in the amount of \$1,200.00 was payable in advance on the first day of each month, and a security deposit of \$600.00 was collected on March 1, 2006.

Issues of dispute discussed in the hearing included, but were not limited to, whether the tenant's hydro bills unfairly included costs associated with a living space which was separate from the rental unit, what was the nature of any agreement reached between the parties concerning payment for utilities and inclusion of the adjacent living space, whether a proper opportunity had been made available to the tenant by the landlords for a move-out condition inspection & report to be completed, how much of the cost for

cleaning and repairs to damage in the unit was properly the tenant's, whether the tenant informed the landlord in writing of his forwarding address for the purposes of returning the security deposit, and so on.

During the hearing the parties exchanged views in order to try to resolve the matter.

Analysis

Pursuant to section 63 of the Act, discussion between the parties during the hearing led to a resolution of the dispute. Specifically, the parties agreed as follows:

- that the landlords will pay the tenant \$600.00;
- that the above payment will be made by way of cheque;
- that the landlords will put the cheque into the mail by no later than midnight, Friday, May 15, 2009;
- that the above particulars comprise full and final settlement of all aspects of the dispute for both parties.

Conclusion

Pursuant to the above agreement, I hereby grant the tenant a monetary order under section 67 of the Act for \$600.00. Should the landlords fail to comply with the terms of the above agreement, this order may be served on the landlords, filed in the Small Claims Court and enforced as an order of that Court.

DATE: May 13, 2009

Dispute Resolution Officer