

DECISION

Dispute Codes O MNSD MNR MNDC FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord to obtain a Monetary Order to keep the security deposit, for unpaid rent or utilities, for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement, for other reasons, and to recover the cost of the filing fee from the Tenant for this application.

Service of the hearing documents, by the Landlord to the Tenant, was done in accordance with section 89 of the *Act*, sent via registered mail on December 18, 2009. Mail receipt numbers were provided in the Landlord's evidence. The Tenant confirmed receipt of the hearing package.

The Landlord and Tenant appeared, acknowledged receipt of evidence submitted by the other, gave affirmed testimony, were provided the opportunity to present their evidence orally, in writing, and in documentary form.

Issues(s) to be Decided

Is the Landlord entitled to a Monetary Order under sections 38 and 67 of the *Residential Tenancy Act*?

Background and Evidence

The fixed term tenancy agreement began on September 1, 2008 and was set to switch over to a month to month tenancy after August 31, 2009. A security deposit of \$800.00 and a key deposit of \$100.00 were paid by the Tenant on September 1, 2008.

Analysis

During the course of the hearing, the parties reached an agreement to settle these matters, on the following conditions:

1. the Landlord withdraws his application;
2. the Landlord will retain the security deposit of \$800.00 plus the key deposit of \$100.00 plus interest of \$4.50 (Interest calculated from September 1, 2008 to May 19, 2010), as agreed by the Tenant during the hearing; and
3. in consideration for this settlement the parties agree that no further claims will be made by either party whatsoever arising from this tenancy.

As this matter was settled, I decline to award recovery of the filing fee to the Landlord.

Conclusion

The matter was settled and no further action is required, therefore the file is closed.

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: May 19, 2010.

Dispute Resolution Officer