



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes: *MNSD, MNDC, FF*

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for a monetary order for loss of income and for the filing fee. The landlord also applied to retain the security deposit in partial satisfaction of her claim. Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

Issues to be decided

Has the landlord established a claim for loss of income? Is the landlord entitled to the recovery of the filing fee and to retain the security deposit?

Background and Evidence

The tenancy started on April 01, 2010 for a fixed term of one year. The rent was \$900.00. The tenant paid a security deposit in the amount of \$450.00. On October 19, 2010, the tenant informed the landlord that he would be ending the tenancy effective November 30, 2010. The landlord made efforts to mitigate her losses by advertising the availability of the unit, but was unsuccessful in finding a tenant for December 01, 2010. A tenant was found for February 01, 2011. The landlord is claiming loss of income for December 2010 and January 2011.

The claims made by the landlord were discussed at length. 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 dispute resolution officer 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 pay \$450.00 to the landlord in full and final settlement of all claims against the landlord.
2. The tenant agreed to allow the landlord to retain the security deposit of \$450.00.
3. The landlord agreed to accept \$450.00 in full settlement of all claims against the tenant.
4. The landlord will be granted a monetary order in the amount of \$450.00.
5. Both parties agreed that the above particulars comprise **full and final settlement** of all aspects of the dispute for both parties.

Conclusion

Pursuant to the above agreement, the landlord may retain the security deposit of \$450.00 and in addition, I grant the landlord a monetary order under section 67 of the *Residential Tenancy Act* for the amount of **\$450.00**. This order may be filed in the Small Claims Court and enforced as an order of that Court.

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: April 14, 2011.

Residential Tenancy Branch