



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes:

MNDC, MND, MNSD, FF.

Introduction,

This hearing dealt with an application by the landlord, pursuant to the *Residential Tenancy Act*. The landlord applied for a monetary order to recover the cost of replacing the carpet and for the filing fee. The landlord also applied to retain the security deposit and pet deposit in satisfaction of his claim.

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 the return of all or part of the above?

Background and Evidence

The tenancy started on December 01, 2008 and ended on November 30, 2010. Prior to moving in the tenant paid a security deposit of \$497.50 and in December 2009, he paid a pet deposit of \$500.00.

The landlord's claim was 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 \$225.00 to the landlord towards the cost of replacing the carpet and agreed to allow the landlord to retain this amount from the security deposit.
2. The landlord agreed to accept \$225.00 in full and final satisfaction of his monetary claim against the tenant.

The parties agreed that the above particulars comprise **full and final settlement** of all aspects of the dispute for both parties.

As this dispute was resolved by mutual agreement and not based on the merits of the case, I decline the landlord's request to recover the filing fee paid for this application

Conclusion

The landlord currently holds a security deposit of \$497.50, a pet deposit of \$500.00 plus the accrued interest of \$0.63. I order that the landlord retain \$225.00 from the pet deposit in full satisfaction of the claim and return the balance due of **\$773.13** to the tenant within 15 days of receipt of this decision.

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 20, 2011.

Residential Tenancy Branch