



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNDC, FF

Introduction

This hearing concerns the landlord's application for a monetary order as compensation for damage or loss under the Act, Regulation or tenancy agreement / and recovery of the filing fee. Both parties participated in the hearing and gave affirmed testimony.

Issue(s) to be Decided

Whether the landlord is entitled to the above under the Act, Regulation or tenancy agreement.

Background and Evidence

Pursuant to a written tenancy agreement, the fixed term of tenancy is from August 1, 2012 to July 31, 2013. Monthly rent of \$1,900.00 is due and payable in advance on the first day of each month, and a security deposit of \$950.00 was collected.

By letter dated August 31, 2012, the tenant gave notice of his intent to end the tenancy effective September 30, 2012. The tenant's letter was hand delivered to the landlord's agent on August 31, 2012, and rent was paid to the end of September 2012.

In the original application the landlord sought compensation for loss of rental income for the remaining 10 months of the fixed term between October 1, 2012 and July 31, 2013. However, subsequent to the filing of the application on September 24, 2012, and after the tenant vacated the unit, new renters were found effective October 15, 2012.

During the hearing the parties discussed some of the circumstances surrounding the dispute. Circumstances discussed included, but were not limited to, various complications arising from the change in agents representing the landlord around the time when notice to end tenancy was given, and preliminary efforts to find new renters had begun.

Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: www.rto.gov.bc.ca

Section 63 of the Act speaks to the **Opportunity to settle dispute**. Pursuant to this provision, discussion between the parties during the hearing led to a settlement. Specifically, it was agreed as follows:

RECORD OF SETTLEMENT

- that the landlord will retain the tenant's full security deposit as an offset against the loss of all rental income for October 2012, prior to the time when new renters took possession of the unit in October 2012;
- that the landlord withdraws the application to recover the filing fee;
- that the above particulars comprise full and final settlement of all aspects of the dispute arising from this tenancy for both parties.

Conclusion

The dispute is settled pursuant to the details set out above.

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: November 13, 2012.

Residential Tenancy Branch