



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes            FF, MNDC, MNSD

### Introduction

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on the tenants by mailing, by registered mail to where the tenants reside. All tenants were present at the hearing. With respect to each of the applicant's claims I find as follows:

### Issue(s) to be Decided

The issues to be decided are as follows:

- a.     Whether the landlord is entitled to A Monetary Order and if so how much?
- b.     Whether the landlord is entitled to retain all or a portion of the security deposit/pet deposit?
- c.     Whether the landlord is entitled to recover the cost of the filing fee?

### Background and Evidence

The parties entered into a one year fixed term written tenancy agreement that provided that the tenancy would start on August 1, 2013 and end on July 31, 2014. The rent is \$1750 per month payable on the first day of each month. The tenant paid a security deposit of \$875 at the start of the tenancy. The tenant(s) vacated the rental unit at the end of May 2014.

The landlord claims \$3500 for loss of rent for the months of June and July. The tenants submit the landlord has failed to mitigate his loss.

Settlement:

At the end of the hearing the parties reached a settlement and they asked that I record the settlement pursuant to section 63(2) of the Residential Tenancy Act as follows:

- a. The landlord shall retain the security deposit of \$875.
- b. In addition, the tenants shall pay to the landlord the sum of \$1125.
- c. This is a full and final settlement and each party releases and discharges the other from all further claims with respect to this tenancy.

**As a result I ordered that the landlord shall retain the security deposit of \$875. In addition I ordered the tenants pay to the landlord the sum of \$1125 in satisfaction of this matter.**

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial 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: July 11, 2014

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Residential Tenancy Branch

