



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC

Introduction

The Application for Dispute Resolution filed by the Tenant seeks a monetary order in the sum of \$700.

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 served on the landlord by courier on September 6, 2016. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issue to be decided is whether the tenant is entitled to a monetary order for the reduced value of the tenancy and if so how much?

Background and Evidence

The tenancy began on July 1, 2016. The rent was \$450. The tenant paid a security deposit of \$225. On July 25, 2016 the landlord served a 2 month on the tenant that set the end of tenancy for the end of September.

On September 2, 2016 the tenant returned home to find his door kicked in. There is a dispute between the parties as to who is responsible. The tenant testified he felt unsafe living in the rental unit and the RCMP recommended that he vacate. He did not have the benefit of the "equivalent of one month free rent" that is provided under section 51 of the Act after a tenant has received a 2 month Notice. The tenant claims \$700.

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 Act as follows:

- a. The landlord shall pay to the Tenant the sum of \$325.
- b. This is a full and final settlement and each party releases and discharges the other from all further claims with respect to this tenancy.

Monetary Order and Cost of Filing fee

As a result of the settlement I ordered the landlord(s) to pay to the tenant the sum of \$325.

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: December 08, 2016

Residential Tenancy Branch