



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes: *MNDC, FF*

Introduction

This hearing dealt with an application by the tenant pursuant to the *Residential Tenancy Act* for a monetary order to recover the extra amount of rent she paid due to a problem with the move in date and for the filing fee.

Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

Issues to be decided

Is the tenant entitled to a monetary order?

Background and Evidence

The tenant stated that on April 29, 2010 she viewed an apartment with intention to rent it. She filled out an application and paid a security deposit on May 01, 2010 for a tenancy that was due to start on June 01, 2010. On May 05, the manager contacted the tenant and informed her that the apartment was not available until July 01 but offered an alternative apartment which could be viewed on May 15, 2010.

The tenant had already given notice to the landlord of the unit that she was renting at that time. Upon requesting the landlord for an extension of the tenancy, the landlord offered her an alternative apartment in the same complex and the tenant accepted the offer. The tenant stated that she was forced to take the apartment immediately for fear of losing it if she waited till June 01. Despite having her rent paid for the full month of May, at the apartment that she occupied at that time, the tenant signed up for the alternative apartment on May 15, 2010 and moved in on that date.

The tenant stated that she incurred an extra expense of \$603.50 to rent this alternative apartment. She also stated that the respondent landlord returned her security deposit. The tenant applied to be compensated for the extra rent she paid to secure the alternative apartment in which she is currently residing.

Analysis

The tenant did not file any evidence to show that she had paid rent for two units to the same landlord for the period of May 15 – May31. She also did not file evidence to support her claim that she was forced to take the alternative apartment immediately or risk losing it. I find that the tenant made the choice to rent the alternative apartment immediately prior to checking the option offered to her by the respondent, and therefore the respondent is not responsible for the extra cost of rent that the tenant incurred.

I find that the tenant has not proven her case and therefore her application is dismissed. She must bear the cost of filing this application

Conclusion

The tenant's application is dismissed.

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 24, 2010.

Dispute Resolution Officer