



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, OLC, RP, FF

Introduction

This hearing dealt with an application by the tenant for money owed or compensation for damage or loss, to order the landlord to comply with the Act, make repairs to the unit and recovery of the filing fee. Both parties participated in the conference call hearing.

Issue(s) to be Decided

Is the tenant entitled to any of the above under the Act.

Background and Evidence

This began approximately 3 years ago with monthly rent of \$415.00. Matters related to this tenancy were previously heard under files 770760 and 768880. The Dispute Resolution Officer in 770760 determined that the internet service had been included in the tenants rent since the start of the tenancy and that the service could now not be terminated. The Dispute Resolution Officer ordered that the tenant be allowed to deduct the amount of the internet from his rent.

During the time of the tenant's application the tenant had paid for two months of internet service however these two payments were not addressed in hearing 770760. In this application the tenants is seeking compensation for the January and February 2011 internet fees which total \$105.28.

The tenant and landlord both stated that a mutual agreement to end tenancy was being worked out between the parties for either July or August 2011. Because the tenant will be vacating the rental unit in the next month or two, the tenant stated that it was not necessary to further discuss his application and the tenant withdrew the balance of the application.

Analysis

Based on the documentary evidence and testimony of the parties, I find on a balance of probabilities that the tenant has met the burden of proving that they have grounds for entitlement to a monetary order for reimbursement of the internet fees paid by the tenant for the months of January and February 2011. These fees were determined to be part of the tenants rent and a service that the landlord could not terminate.

I find that the tenant has established a claim of \$105.28 for reimbursement of the internet fees.

The remainder of the tenant's application is dismissed without leave to reapply.

As the tenant has been successful in their application the tenant is entitled to recovery of the \$50.00 filing fee.

Conclusion

I find that the tenant has established a monetary claim for **\$105.28**. The tenant is also entitled to recovery of the \$50.00 filing fee.

I find that the tenant has established a monetary claim for **\$155.28** in return of the security deposit and I grant the tenant a monetary order under section 67 of the *Act* for this amount.

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 4, 2011.

Residential Tenancy Branch