

Decision

Dispute Codes: DRI, MNDC, MNSD, FF

Introduction

This hearing was convened in response to the tenant's application to dispute an additional rent increase / for a monetary order as compensation for damage or loss under the Act, regulation or tenancy agreement / return of the security deposit / and recovery of the filing fee. Both parties participated and / or were represented in the hearing and gave affirmed testimony.

Issues to be decided

- Whether the tenant is entitled to any or all of the above under the Act, Regulation or tenancy agreement

Background / Evidence / Analysis

The dispute arises out of costs incurred by the tenant in association with the end of his tenancy with the original landlord in a manufactured home park, the entry into two new tenancy agreements with a second landlord in regard to the same manufactured home park and, ultimately, the tenant's relocation to another manufactured home park, the management of which involves neither of the two aforementioned landlords.

While the quantum of the monetary order shown on the tenant's application is \$25,000, the tenant submitted documents in support of a claim for compensation in excess of \$67,000. Section 51 of the Act speaks to **Determining disputes**, and provides in part:

51(2) Except as provided in subsection (4), if the director receives an application under subsection (1), the director must determine the dispute unless

(a) the claim is for more than the monetary limit for claims under the *Small Claims Act* [**\$25,000**],...

Further, Residential Tenancy Branch Rule of Procedure #2 speaks to "Application for Dispute Resolution." Specifically, Rule 2.4 provides:

2.4 Limit on the amount of claim

An applicant with a claim that amounts to more than \$25,000 may choose to abandon part of the claim so that the total claim will come within the limit that may be determined by a Dispute Resolution Officer. An applicant is not permitted to divide a claim that exceeds \$25,000 into smaller claims. Where two (2) or more applicants have been joined, the monetary limit for each applicant's total claim is \$25,000.

With the exception of one minor aspect of the tenant's application which the parties agreed to resolve between them at the hearing, as the amount of the monetary order sought by the tenant in his application exceeds \$25,000, the tenant's application is hereby dismissed with leave to reapply.

The exception referred to above concerns a "security deposit" of \$1,000.00 collected by the landlord from the tenant, and funds owed by the tenant to the landlord for pad rent in the amount of \$266.50. During the hearing the parties agreed to settle this limited aspect of the dispute. In this regard section 56 of the Act speaks to the **Opportunity to settle dispute**. Specifically, during the hearing the parties agreed as follows:

- that the landlord will pay the tenant \$733.50 (\$1,000.00 - \$266.50);
- that the above payment will be made by cheque;
- that the above cheque will be put into the mail by not later than midnight, Friday, November 18, 2011.

Conclusion

Pursuant to the agreement reached between the parties, as recorded above, I hereby Order the landlord to make payment to the tenant in the amount of \$733.50.

With the exception of the limited aspect of the dispute settled by the parties, as above, the tenant's application is hereby dismissed with leave to reapply.

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*.

DATE: November 14, 2011

Residential Tenancy Branch