

Decision

Dispute Codes: MNDC

Introduction

This hearing was convened in response to the tenant's application for a monetary order as compensation for damage or loss under the Act, Regulation or tenancy agreement. Both parties participated and / or were represented at the hearing and gave affirmed testimony.

Issues to be decided

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

Background and Evidence

The subject unit is one of a number of rooms which are rented within a house. After reading a rental advertisement, the tenant attended the house towards the end of June 2011 in order to view the unit. Monthly rent was advertised at \$425.00. The parties presented varying accounts of what transpired after the tenant had expressed an interest in renting a particular room in the house. In short, the particular room desired by the tenant turned out not to be available, and he declined to rent an alternate room shown to him in the house. In the meantime, the landlord had accepted full payment from the tenant for July's rent. The tenant takes the position that he is entitled to the return of the rent payment as the room he had expressed an interest in was not ultimately available to him; on the other hand, the landlord's position is that as the tenant declined to rent an alternate room that was available, the tenant is not entitled to a refund of rent.

During the hearing the parties exchanged views on some of the circumstances surrounding the dispute and undertook to achieve a resolution.

Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: www.rto.gov.bc.ca

Section 63 of the Act provides that the parties may attempt to settle their dispute during a hearing. Pursuant to this provision, discussion between the parties during the hearing led to a resolution. Specifically, it was agreed as follows:

- that the landlord will pay the tenant \$212.50, and that a monetary order will be issued in favour of the tenant to this effect;
- that the above payment will be made by cheque;
- that the above cheque will be put into the mail by no later than midnight, Wednesday, November 30, 2011;
- that the above particulars comprise full and final settlement of all aspects of the dispute arising from this tenancy for both parties.

Conclusion

Pursuant to section 67 of the Act, I hereby issue a monetary order in favour of the tenant in the amount of \$212.50. Should it be necessary, this order may be served on the landlord, filed in the Small Claims 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*.

DATE: November 17, 2011

Residential Tenancy Branch