



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, RP, RR, O

Introduction

This hearing was convened in response to an application by the Tenant pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. A Monetary Order for compensation for loss – Section 67;
2. An Order for the Landlord to make repairs to the unit – Section 65;
3. An Order for a rent reduction for repairs, services and facilities agreed upon but not provided – Section 65; and
4. Other.

I accept the Tenant’s evidence that the Landlord was served with the application for dispute resolution and notice of hearing by leaving the documents with the agent of the Landlord in accordance with Section 89 of the Act. The Landlord did not attend the Hearing. The Tenant was given full opportunity to be heard, to present evidence and to make submissions.

Preliminary Matter

As the Tenant is moving out of the unit, the Tenant withdraws all claims except for the claim for compensation.

Issue(s) to be Decided

Is the Tenant entitled to the monetary amount claimed?

Background and Evidence

The tenancy started on October 1, 2012. There is no written tenancy agreement. Rent of \$425.00 is payable monthly. The Tenant states that in October the Landlord charged the Tenant \$150.00 for a guest fee. The Tenant claims reimbursement for this cost.

Analysis

Section 5 of the Residential Tenancy Regulation provides that a Landlord must not charge a guest fee. Section 7 of the Act provides that where a landlord does not comply with the Act, Regulation or tenancy agreement, the landlord must compensate the tenant for damage or loss that results. Based on the undisputed evidence, I find that the Landlord charged a prohibited fee of \$150.00 to the Tenant and that the Tenant has therefore substantiated an entitlement to compensation of \$150.00.

Conclusion

I grant the Tenant an order under Section 67 of the Act for the amount of **\$150.00**. If necessary, this order may be 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*.

Dated: March 06, 2013

Residential Tenancy Branch

