



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes PSF, OLC, MNDC, FF

Introduction and Preliminary Matters

This hearing dealt with the tenant's application for dispute resolution under the Residential Tenancy Act (the "Act") seeking a monetary order for money owed or compensation for damage or loss, an order requiring the landlord to provide services or facilities required by law, an order requiring the landlord to comply with the Act, and for recovery of the filing fee.

The tenant also in the summary portion of her application indicated that she was seeking to dispute the landlords' notice to end the tenancy.

The tenant appeared as well as the landlords' son, indicating that the landlords were not proficient in English, and as such, he was asked to represent them. Afterwards the hearing process was explained and the parties were given an opportunity to ask questions about the hearing process.

Thereafter both parties were provided the opportunity to present their evidence orally and to refer to relevant documentary evidence submitted prior to the hearing, and make submissions to me.

At the outset of the hearing, the tenant stated that she had given her notice to the landlords that she was vacating the rental unit by November 15, 2013; the landlords' son agreed that his parents had received and accepted the tenant's notice.

As the tenant was vacating the rental unit, it was no longer required to consider the tenant's request for orders for to the landlords. The tenant agreed; however she stated that she would like the recovery of her filing fee.

Issue(s) to be Decided

Is the tenant entitled to recover her filing fee?

Analysis and Conclusion

The remaining issue of the tenant's application dealt with her monetary claim, which was \$50 for the filing fee.

I grant the tenant recovery of her filing fee of \$50. In reaching this decision, I considered the documentary evidence supplied by the tenant, which were handwritten notes from the landlords to the tenant informing her the tenancy agreement was being terminated. Another note informing the tenant to vacate the premises was also delivered to the tenant.

In order to be effective, a landlord's notice to end the tenancy must be on the proper form and indicate a reason for ending the tenancy, pursuant to sections 46-49 and 52 of the Act.

As the landlords' notices to the tenant through notes were invalid causing her to file an application for dispute resolution, I grant the tenant recovery of her filing fee of \$50.

The tenant may deduct \$50 from her next monthly rent payment, if she receives this Decision prior to making a payment. In the alternative, I have granted the tenant a monetary order in the amount of \$50.

I note that it was necessary to inform the landlords' son that the document entered into evidence by the tenant purporting to be a tenancy agreement fails to comply with the requirements of the Residential Tenancy Act in many aspects. I therefore cautioned the landlords' son that the landlords should familiarize themselves with the legislation if they continue to conduct business as landlords.

I cautioned both parties that the matter of the tenant's security deposit must be dealt with in accordance with section 38 of the Act at the end of this tenancy. Both parties were informed that should either have any questions regarding their rights or obligations under the Act, they should contact the Residential Tenancy Branch.

Conclusion

The tenant's application for monetary compensation is granted.

I grant the tenant a final, legally binding monetary order pursuant to section 67 of the Act for the amount of \$50, which I have enclosed with the tenant's Decision.

Should the landlords fail to pay the tenant this amount without delay after being served the order, the monetary order may be filed in the Provincial Court of British Columbia (Small Claims) for enforcement as an Order of that Court. The landlords are advised that costs of such enforcement are recoverable from the landlords.

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* and is being mailed to both the applicant and the respondents.

Dated: October 25, 2013

Residential Tenancy Branch

