



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Crosby Property Management
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNDC

Introduction

This was a hearing with respect to the tenant's application for a monetary award. The hearing was conducted by conference call. The tenant called in and participated in the hearing. The respondents did not attend, although served with the application and Notice of Hearing.

Issue(s) to be Decided

Is the tenant entitled to a monetary award and if so, in what amount?

Background and Evidence

The rental unit is a strata title apartment in Coquitlam. The tenant testified that when he moved into the rental unit the property manager for the strata corporation insisted that he pay the sum of \$150.00 in cash as a move-in deposit fee. This payment was in addition to a security deposit that he paid to his landlord. The tenant testified that the property manager assured him that the \$150.00 payment would be refunded to him within one month.

The amount was never repaid despite numerous requests. The tenancy has now ended. The tenant still has not been repaid and the tenant has brought this application against the strata corporation and its manager for repayment of the move-in deposit plus double the amount of the payment.

Analysis and conclusion

The tenant has brought this claim against parties who are not his landlord and I find that I do not have jurisdiction under the *Residential Tenancy Act* to issue a monetary order against a party who falls outside of the landlord tenant relationship.

It may be that the tenant has a valid claim against his landlord to be reimbursed for the amount he was required to pay to the strata corporation in order to move into the rental unit, but that is not the claim that is before me.

The tenant's claim against the respondents is dismissed, but the tenant has leave to reapply to claim against his landlord for the amount paid to the strata corporation and the property manager in order to move into the rental unit. Alternatively the tenant may choose to pursue a claim against the strata corporation and property manager by way of a court proceeding.

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: November 06, 2013

Residential Tenancy Branch

