



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR MNDC PSF OPR MNR MNSD FF

Introduction

This hearing dealt with applications by the tenant and the landlord. Both the tenant and the landlord participated in the teleconference hearing.

At outset of the hearing the tenant stated that she was vacating the rental unit. She did not oppose issuance of an order of possession for October 31, 2014. I therefore dismissed the portions of the application regarding the notice to end tenancy, and proceeded with the monetary portions of the claims.

The tenant acknowledged that she owed \$270 for September 2014 rent and \$1150 for October 2014 rent.

I informed the landlord in the hearing that he could not charge the tenant late fees unless it was expressly permitted in the tenancy agreement, and I dismissed the landlord's claim for late fees.

Issue(s) to be Decided

Is the tenant entitled to monetary compensation as claimed?

Background and Evidence

The tenant stated that her fridge did not work, so she notified the landlord. The tenant stated that the landlord replaced the fridge three times, and it took over three months to get a working fridge. The tenant stated that during this time, she had to buy food every day, and each time she was told that the next fridge would work, the food in the fridge went bad. The tenant stated that it was difficult for her to buy food every day, as she is disabled. The tenant has claimed \$192 for the cost of replacing food that went bad.

The landlord stated that he was not provided any receipts for groceries. The landlord stated that you are not supposed to plug in a new fridge for the first 24 hours. The landlord did not deny that he did not inform the tenant of this requirement.

Analysis

I accept the tenant's testimony that she had food that went bad when she did not have a working fridge. I also accept the tenant's testimony that it was a hardship for her to buy food daily. I find that the tenant is entitled to \$192 in compensation as claimed.

As the landlord's application was mostly successful, I find they are entitled to recovery of the \$50 filing fee for the cost of their application.

Conclusion

The landlord is entitled to \$1470. The tenant is entitled to \$192. I grant the landlord an order under section 67 for the balance due of \$1278. This order may be filed in the Small Claims Court and enforced as an order of that Court.

I grant the landlord an order of possession effective October 31, 2014. The tenant must be served with the order of possession. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia 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: October 27, 2014

Residential Tenancy Branch

