



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BAYWEST MANAGEMENT CORPORATION
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MND, MNDC, FF

Introduction and Preliminary Matter

This hearing convened as a result of a Landlord's Application for Dispute Resolution wherein the Landlord requested a Monetary Order for damage to the rental unit, money owed or compensation for damage or loss under the Act, regulation or tenancy agreement and to recover the filing fee.

Both parties appeared at the hearing. The hearing process was explained and the participants were asked if they had any questions. Both parties provided affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions to me.

The parties agreed that all evidence that each party provided had been exchanged. No issues with respect to service or delivery of documents or evidence were raised.

The loss alleged originated from a flood in the rental unit due to the Tenant's malfunctioning washing machine. The \$5,000.00 claimed by the Landlord represented the amount the Landlord paid to their insurer as a deductible.

At the outset of the hearing, the Landlord, J.J. stated that they wished to pursue the amounts over and above the amount claimed on the Application as the Landlord did not want to have their insurance premiums increase. I informed the Landlord that as they had only given the Tenant notice that they were seeking \$5,000.00, that it would offend the principles of natural justice for me to award them more than the stated amount on the Application. I offered the Landlord the opportunity to withdraw their application and refile seeking the additional amounts. J.J. then stated the Landlord wished to proceed with the application and would abandon any claim to amounts over \$5,000.00, save and except for their claim to recover the filing fee.

The Tenant stated that he was aware the flood occurred due to his washing machine and that he did not dispute responsibility for the \$5,000.00 insurance deductible as well as the filing fee for total compensation in the amount of \$5,050.00.

Accordingly, as the Tenant was agreeable to paying the amount claimed by the Landlord, I award the Landlord a Monetary Order in the amount of **\$5,050.00**. This Order must be served on the Tenant by the Landlord and may be filed in the Provincial Court (Small Claims Division) and enforced as an Order of that Court.

Conclusion

The Landlord is entitled to a Monetary Order in the amount of \$5,050.00.

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: August 31, 2015

Residential Tenancy Branch

