



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes AS, FF

Introduction

This hearing was set to deal with an application by the tenant for an order allowing the tenant to assign or sublet the rental unit and reimbursement of the filing fee. The tenant appeared; the landlords did not.

The tenant advised that she moved out of the rental unit by November 30, 2015, pursuant to a Mutual Agreement to End Tenancy.

Issue(s) to be Decided

What order should be made with respect to the filing fee?

Background and Evidence

This one year fixed term tenancy commenced June 1, 2015. The monthly rent of \$850.00 was due on the first day of the month. The tenant paid a security deposit of \$450.00.

The relationship between the landlords and the tenant quickly soured. The tenant wanted to move out of the rental unit but it was a fixed term tenancy. The tenant said that she asked the landlords to sign a Mutual Agreement to End Tenancy and/or consent to the sub-tenant she found. All requests were refused. It was only after she applied for dispute resolution that the landlords signed the Mutual Agreement to End Tenancy with an effective date of November 30, 2015.

Analysis

If the landlords had agreed to the Mutual Agreement to End Tenancy when it was first requested by the tenant this application would have been unnecessary. Accordingly, I find that the landlords should reimburse the tenant for the \$50.00 fee she paid to file this application and pursuant to s. 67 I grant the tenant a monetary order in that amount.

Conclusion

A monetary order in the amount of \$50.00 has been granted to the tenant. 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: December 17, 2015

Residential Tenancy Branch

