



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 0896572 B.C. LTD.
and [tenant name suppressed to protect privacy]

DECISION

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Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution, received at the Residential Tenancy Branch on May 3, 2016 (the "Application").

The Tenant sought the following relief pursuant to the *Residential Tenancy Act* (the "Act"): a monetary order for money owed or compensation for damage or loss; and other unspecified relief.

The Tenant attended the hearing on his own behalf and provided his solemn affirmation. The Landlords were not represented at the hearing.

The Tenant confirmed the Application and the Notice of a Dispute Resolution Hearing dated May 2, 2016 (the "Notice") were served on R.K. in person on May 4, 2016. According to the Tenant, R.K. is a principal of the corporate Landlord. I find the Landlords were duly served with the Application and the Notice in person on May 4, 2016.

The Tenant was given an opportunity to present evidence orally and in written and documentary form, and to make submissions to me.

I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Issue to be Decided

Is the Tenant entitled to a monetary order for money owed or compensation for damage or loss?

Background and Evidence

According to the Tenant, a month-to-month tenancy began in or about June 2013. At all material times, rent was \$664.00 per month. Parking was an additional \$50.00 per month.

The Tenant provided oral testimony and documentary evidence of a fire that occurred at the rental property on March 20 and 21, 2016. The Tenant testified that the fire rendered the rental property, including his own unit, uninhabitable. He has not returned to the rental unit, other than to collect his belongings. The Tenant provided in his documentary evidence a newspaper article describing the fire and the resulting displacement of tenants.

The Tenant claims he is entitled to a monetary order in the amount of \$235.62 for loss of use of the rental unit for 11 days. The Tenant's claim has been recalculated as follows:

$$\$664.00 \text{ per month} / 31 \text{ days} \times 11 \text{ days loss of use} = \$235.61$$

Analysis

Based on the documentary evidence and oral testimony provided during the hearing, and on a balance of probabilities, I find the following:

Section 67 of the *Act* empowers me to order one party to pay compensation to the other if damage or loss results from a party not complying with this *Act*, the Regulations or a tenancy agreement.

The Tenant seeks compensation for loss of use of his rental unit. I find there is sufficient evidence before me to conclude the Tenant has suffered the losses he claims. Accordingly, I grant the Tenant a monetary order in the amount of \$235.61 for the time he was unable to use the rental unit.

Conclusion

The Tenant is granted a monetary award in the amount of \$235.61. This order may be filed in and enforced as an order of the Provincial Court of British Columbia (Small Claims).

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 29, 2016

Residential Tenancy Branch