



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, MNDC, OLC, MNSD, FF

Introduction

The Application for Dispute Resolution filed by the Tenant seeks the following:

- a. An order to cancel the one month Notice to End Tenancy
- b. An order for a monetary order for \$1300.
- c. An order that the landlord comply with the Act, Regulations and/or tenancy agreement.
- d. An order to recover the cost of the filing fee.

A hearing was conducted by conference call in the presence of the applicant and in the absence of the respondent although duly served. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the Application for Dispute Resolution/Notice of Hearing was personally served on the landlord on March 25, 2016. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the tenants are entitled to an order cancelling the one may Notice to End Tenancy?
- b. Whether the tenants are entitled to a monetary order and if so how much?
- c. Whether the tenants are entitled to recover the cost of the filing fee?

Background and Evidence

The parties entered into a 6 month fixed term written tenancy that began on August 1, 2015 and was to end on February 1, 2016. The rent was \$1300 per month payable in advance on the first day of each month. The tenants paid a security deposit of \$650 at the start of the tenancy.

The landlord failed to give the tenant a Notice to End Tenancy in writing. However, she approached the Tenants and requested they vacate at the end of January which would allow her family to move in. The parties negotiated a settlement in writing in which the landlord would make three payments of \$650 each. The landlord made the first payment. However, the landlord put a stop payment on the two other cheques.

The tenants have demanded the landlord make the two other payments but the landlord has ignored the Tenants demands.

Monetary Order and Cost of Filing fee

I dismissed the claim of the Tenants to cancel the one month Notice to End Tenancy as the Tenants have moved out and they have not interest in reinstating the tenancy.

I determined the Tenants are entitled to the sum of \$1300 pursuant to the written agreements made between the Tenants and the landlord for this sum. I ordered the landlord(s) to pay to the tenant the sum of \$1300 plus the sum of \$100 in respect of the filing fee for a total of \$1400.

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial 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: August 11, 2016

Residential Tenancy Branch