



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNDC, OLC, O

Introduction

The Application for Dispute Resolution filed by the Tenant makes the following claims:

- a. A monetary order in the sum of \$775.60
- b. An order that the landlord comply with the Act, regulation and/or tenancy agreement.
- c. An order to recover the cost of the filing fee.

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the Application for Dispute Resolution/Notice of Hearing was personally served on the landlord on February 4, 2017. 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 tenant is entitled to a monetary order for the reduced value of the tenancy and if so how much?
- b. Whether the tenancy is ongoing or has come to an end?
- c. Whether the tenant is entitled to recover the cost of the filing fee?

Background and Evidence

The tenancy began on March 1, 2016. The tenancy agreement provided that the tenant(s) would pay rent of \$925 per month payable on the first day of each month. The tenant(s) paid a security deposit and pet damage deposit totalling \$625 at the start of the tenancy.

On January 5, 2017 the tenant experienced a serious flood forcing her to vacate the rental unit. The landlord has taken the position that the tenancy was frustrated because of the flood and has reimbursed the tenant the rent for the period January 6, 2017 to January 31, 2017. The tenant has found alternative accommodation and no longer wishes the tenancy to be ongoing.

Analysis

I ordered that the application be dismissed without leave to re-apply. Both parties no longer wish the tenancy to continue. The landlord has reimbursed the rent for the period from January 6, 2017 to January 31, 2017. As a result I determined that the tenancy came to an end on January 5, 2017 as a result of the flood. I dismissed the tenant's claim for a monetary order as the landlord has reimbursed her for the rent to January 6, 2017 to January 31, 2017. I dismissed the claim for the cost of the filing fee as the tenant did not pursue it at the hearing.

This decision is final and binding on the parties.

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: March 02, 2017

Residential Tenancy Branch