



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding PANDALE PLACE APARTMENTS
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes DRI, FF

Introduction

This hearing was convened by way of conference call in response to the Tenant's Application for Dispute Resolution (the "Application") to dispute an additional rent increase and to recover the filing fee from the Landlord.

Both parties appeared for the hearing and provided affirmed testimony. The Landlord confirmed receipt of the Tenant's Application and the Tenant's documentary evidence served prior to the hearing.

Preliminary Issues

The Landlord had submitted 12 pages of documentary evidence prior to this hearing but had not served a copy of this to the Tenant as required by the Residential Tenancy Branch Rules of Procedure. The Landlord stated that he was not aware that he had to serve the Tenant with his evidence. As a result, I did not consider the Landlord's documentary evidence in this hearing but informed the Landlord that he was not barred from providing that evidence into oral testimony.

The hearing process was explained to the parties and they had no questions about the proceedings. At the start of the hearing, the Tenant informed me that she had given written notice to the Landlord to end the tenancy for the end of September 2017.

The Tenant had filed to dispute an additional rent increase, namely the Landlord's request for the Tenant to pay an extra \$25.00 each month for parking effective on July 1, 2017. The Tenant confirmed that she had not paid the Landlord the \$25.00 extra for the effective three months it would have been payable as requested by the Landlord.

The Landlord informed that as the tenancy was now ending he had no desire to seek the additional parking amount he had requested the Tenant to pay and that he was also willing to settle the Tenant's Application by paying her the filing fee.

Accordingly, the Tenant agreed to withdraw the Application. The Landlord agrees to pay the Tenant \$100.00 forthwith. The Tenant is issued with a Monterey Order for this amount which is enforceable in the Small Claims Division of the Provincial Court as an order of that court if the Landlord fails to make payment. Copies of this order are attached to the Landlord's copy of this Decision.

The parties confirmed their voluntary agreement to proceed with resolution in the manner detailed above. This file is now closed

The parties remained on the line to receive information about their rights and obligations under the Act. During this conversation, I informed the parties that the Residential Tenancy Branch is not obligated to follow other decisions rendered by the branch and that each dispute must be decided upon the merits of that case.

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: September 08, 2017

Residential Tenancy Branch