



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

Dispute Codes: CNC, MNDC, MT

Introduction:

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

- a. An order for more time to file the Application for Dispute Resolution
- b. An order to cancel the one month Notice to End Tenancy dated July 31, 2017
- c. A monetary order in the sum of \$480.

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 August 18, 2017. With respect to each of the applicant's claims I find as follows:

Issues to be Decided:

The issues to be decided are as follows:

- a. Whether the tenant is entitled to an order for more time to make the within application?
- b. Whether the tenant is entitled to an order cancelling the Notice to End Tenancy dated July 31, 2017?
- c. Whether the tenant is entitled to a monetary order and if so how much?

Background and Evidence:

The tenancy began on October 1, 2016. The tenancy agreement provided that the tenant(s) would pay rent of \$1000 per month payable in advance on the first day of each month. The tenant(s) paid a security deposit of \$500 at the start of the tenancy. The tenant testified the rent was initially agreed at \$900 per month. However, the parties agreed that the tenant could use the laundry if she paid an additional \$100 per month.

The washing machine broke and the landlord refused to fix it. The machine was not working for the months of May, June, July and August 2017. The tenant has two infant twins and a 5 year old. During that time period she would have to take her clothes to the laundromat two times a month. Each time it cost her more than \$100.

The tenant vacated the rental unit at the end of August 2017.

The tenant received a cheque from the landlord in the sum of \$340. The cheque had the notation that it was for the deposit. However, the tenant testified it was for the loss of the

laundry less a set off the landlord made for the cost of a cable box. In any event the tenant attempted to cash the cheque but it was returned NSF.

Analysis:

I dismissed the tenant's application for more time to make the within application and for an order to cancel the one month Notice to End Tenancy as the tenant has vacated the rental unit and she has no interest in reinstating the tenancy.

After carefully considering all of the evidence I determined the tenant is entitled to the sum of \$400 for the loss of the laundry service for the months on May, June, July and August 2017. Based on the evidence presented I determined the parties agreed this service was valued at \$100 per month. The landlord failed to fix the washing machine. The loss of service exceeded the \$100 agreed sum. However, the tenant is claiming \$100 per month for the 4 months.

I dismissed the tenant's claim of \$80 for the cost of space heaters. The tenant failed to produce receipts to prove this claim. Further, she took the heaters with her when she vacated the rental unit. I determined she failed to prove this claim.

Monetary Order

I ordered the landlord(s) to pay to the tenant the sum of \$400.

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 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: November 07, 2017

Residential Tenancy Branch