



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding OTTMAN PROPERTIES LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes DRI, MNDC, OLC, FF

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- a monetary order for compensation for damage or loss under the Act, regulation or tenancy agreement pursuant to section 67;
- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62;
- a determination regarding their dispute of an additional rent increase by the landlord pursuant to section 43;
- authorization to recover her filing fee for this application from the landlord pursuant to section 72.

Both parties attended the hearing via conference call and provided affirmed testimony. Both parties confirmed receipt of the tenant's notice of hearing package and the submitted documentary evidence provided by the other party. As both parties have attended and have confirmed receipt of the notice of hearing package and the submitted documentary evidence, I find that both parties have been sufficiently served as per section 90 of the Act.

At the outset, extensive discussions with both parties revealed that the tenant's request for a determination regarding a rent increase; an order for the landlord to comply with the Act, regulations or tenancy agreement by serving a proper notice of rent increase; and the tenant's monetary claim of \$350.00 for return of rent taken in error by the landlord have been resolved due to clear communications. As such, no further action is required.

Both parties were advised that the recovery of Canada Post Registered Mail cost(s) are considered part of the litigation process and as such recovery of such costs are not covered under the Act. This portion of the tenant's application is dismissed.

The tenant's claim for recovery of the \$100.00 filing fee is dismissed as it cannot be said that the tenant's application for dispute was successful. Discussions with both parties clearly showed that had the tenant maintained open communication with the landlord prior to filing the application for dispute that the tenant would not have incurred this expense.

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: February 15, 2018

Residential Tenancy Branch