



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: *CNL, CNR, MNR, MNDC, OLC, FF*

Introduction

This hearing dealt with an application by the tenants pursuant to the *Residential Tenancy Act* to cancel two notices to end tenancy for landlord's use of property and for non-payment of rent. The tenants also applied for a monetary order for compensation pursuant to a s.49 notice to end tenancy, for costs incurred to dry the carpet when the washing machine leaked and for the recovery of the filing fee.

The tenants served the landlord with the notice of hearing package on March 08, 2018 by registered mail to the landlord's residence as noted on the notice to end tenancy. The tenants provided a tracking number. Despite having been served, the landlord did not attend the hearing. The tenants attended the hearing and were given full opportunity to present evidence and make submissions.

At the outset of the hearing, the tenants informed me that they had moved out on March 18, 2018 after providing the landlord with a ten day notice to end tenancy on March 02, 2018. The tenant paid prorated rent for March which the landlord refused to accept and in turn served the tenant with a ten day notice to end tenancy for non-payment of rent. The tenants made this application on March 04, 2018.

The tenants stated that the landlord relented later and gave the tenants the compensation they were seeking along with the \$84.00 that the tenants were seeking for the drying of the carpet. The tenants stated that at the time of this hearing, they were only seeking the recovery of the filing fee and the cost of registered mail.

Issues

Is the tenant entitled to a monetary order for the recovery of the filing fee and for the cost of registered mail?

Analysis

As testified by the tenants, they were forced to file this application when the landlord refused to provide the tenants with compensation that tenants are entitled to when they are served with a notice to end tenancy for landlord's use of property. In the absence of contradictory evidence, I accept the tenant's testimony and find that the landlord only complied with s51 of the *Residential Tenancy Act* after the tenants filed this application.

Therefore I find that since the tenants had no choice other than to file this application in order to receive compensation that was due to them, I find that the tenants are entitled to the recovery of the filing fee of \$100.00.

Regarding the tenants' application for the cost of registered mail, the legislation does not permit me to award any litigation related costs other than the filing fee. Accordingly the tenants' claim for the cost of registered mail is dismissed.

The tenants have established a claim of \$100.00. I grant the tenants a monetary order under section 67 of the *Residential Tenancy Act*, for this amount. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the tenant a monetary order in the amount of **\$100.00**.

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: May 17, 2018

Residential Tenancy Branch