



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC FF

Introduction

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

- a monetary order for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement pursuant to section 67;
- authorization to recover the filing fee for this application pursuant to section 72.

The hearing was conducted by conference call. All named parties attended the hearing and were given a full opportunity to provide affirmed testimony, to present evidence and to make submissions. There were no issues raised with respect to service of the application and evidence on file.

Issues

Is the tenant entitled to compensation for moving out including moving costs?

Is the tenant entitled to recover the filing fee for this application?

Background and Evidence

The tenancy ended on December 31, 2017.

The tenant is claiming compensation for moving out of the rental unit plus moving costs. The tenant submits that a friend/former neighbor received compensation for moving out. The tenant testified that she was advised by the property manager that move out compensation would not be given until the landlord received permits and issued a formal Notice to End Tenancy. The tenant submits that her friend received the compensation even though she moved out prior to the permits being required. The tenant gave notice to vacate on November 29, 2017 and vacated the rental unit on December 31, 2017.

The landlord testified that they took ownership of the property on November 23, 2017. By way of a text message on November 28, 2017 the tenant was specifically advised that no compensation would be paid prior to permits being obtained. The landlord did not receive permits until June 2018 and which time formal Notices to End Tenancy were issued to the remaining tenants in the building. The tenant had already given her own notice and vacated before this time.

Analysis

There is no basis for the tenant's claim under the Act or tenancy agreement. The tenant moved out voluntarily and was not issued any Notice to End Tenancy that would require the landlord to provide compensation under the Act. There is no evidence that the tenant was offered any move out compensation prior to any formal Notice to End Tenancy being issued. Rather the tenant's own evidence supports that prior to giving her own written notice to end tenancy she was advised that compensation would not be paid until after permits were obtained and formal Notices were issued.

The tenant's claim for compensation plus moving costs is dismissed without leave to reapply.

As the tenant was not successful in this application, I find that the tenant is not entitled to recover the \$100.00 filing fee paid for this application.

Conclusion

The tenant's application is dismissed without leave to reapply.

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 24, 2018

Residential Tenancy Branch