



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

CORRECTION DECISION

Dispute Codes MNSD, FFT

Introduction

The landlords have requested a correction to a decision of the Residential Tenancy Branch dated September 27, 2019. The original hearing dealt with the estate of the tenant's application and amendment pursuant to the *Residential Tenancy Act* (the *Act*) for:

- a Monetary Order for the return of the security deposit, pursuant to sections 38 and 67; and
- a Monetary Order for damage and compensation, pursuant to section 67 of the *Act*; and
- authorization to recover the filing fee for this application from the landlords, pursuant to section 72.

Section 78 of the *Residential Tenancy Act* enables the Residential Tenancy Branch to correct typographic, grammatical, arithmetic or other similar errors in a decision or order, or deal with an obvious error or inadvertent omission in a decision or order.

In my original decision I found:

I find that through no malicious or harmful intent, the landlords breached section 30 of the *Act* by restricting the estate's access to the subject rental property for the month of October 2018. I find that the estate of the tenant suffered a loss as a result of this breach. The estate did not have unfettered access to the subject rental property for 40% of the month and the executrix incurred the cost of a hotel. I find that the tenant's estate has proven the value of the loss and has not incurred unnecessary expenses due to the landlords breach of section 30 of the *Act*. I therefore find that the estate is entitled to recover \$584.50 in damages from the landlords for 40% of October 2018's rent as well as the cost of a hotel from October 12-14, 2018.

As the estate was successful in its application, I find that it is entitled to recover the \$100.00 filing fee from the landlords, pursuant to section 72 of the *Act*.

In the Request for Correction, the landlords re-argued their case and requested a change in outcome. The landlords argued that the executrix of the estate was not yet named as the executrix in October of 2018 and so was not entitled to occupy the subject rental property. This argument was not made at the hearing.

The original decision is based on the evidence submitted in the application and the testimony heard at the hearing. An application for correction is not the appropriate forum in which to have your claim re-heard or to submit evidence that was not included in the original application.

I decline to make any correction and I confirm my original decision.

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: October 11, 2019

Residential Tenancy Branch