



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Code MNR, MNDCT, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the “Notice”), for a monetary order for compensation for loss or other money owed and to recover the cost of the filing fee.

Both parties appeared.

At the outset of the hearing the landlord stated that this issue could have been resolved when the tenant received the Notice as this was an administrative error as the tenant had paid their rent on time. The landlord stated that they had agreed to compensate the tenant the cost of the filing fee.

The tenant’s representative stated that the tenant also want \$100.00 for loss of work and \$26.46 for sending the hearing package by express post.

In this case, there was no need for the tenant to take time off of work. The tenant filed their application online and this could have been done outside of work hours. Further, this matter was resolvable without the necessity of a hearing as the tenant was aware that the Notice was issued in error before the hearing and this hearing could have been cancelled. Therefore, I dismiss the tenant’s application for loss of wages.

I also do not find it appropriate to award the tenant the cost of serving the hearing package. The cost the tenant paid was greater than what would be expected as they sent it by express post. Rather than registered mail or personal service. I find this was a personal choice of the tenant by sending it by this method. Therefore, I dismiss this portion of the tenant’s claim.

The parties agreed that the Notice is cancelled as it was issued in error. Therefore, I grant the tenant’s application and the Notice has no force or effect.

The landlord has agreed to repay the filing, which I find appropriate under these circumstances. Therefore, I find the tenant is entitled to recover the \$100.00 they paid to file this application. This amount can be recovered by the tenant from the landlord by either a onetime rent reduction from a future rent payable to the landlord, which may or may not be possible as the tenant pays rent by an auto preauthorization or the landlord can send the tenant a cheque for this amount.

Conclusion

The tenant's application to cancel the Notice is granted, as it was issued in error. The tenant's application for loss of wages, and express post fees is dismissed. The tenant is entitled to recover the cost of the filing.

Dated: December 13, 2021

Residential Tenancy Branch