



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes AAT, CNC, FF, LRE, MNDC, OLC, OPT, RPP, RR

Introduction

This is an application filed by the Tenant for an order to allow access to (or from) the unit or site for the tenant or the tenant's guests, an order cancelling a notice to end tenancy issued for cause, recovery of the filing fee, an order to suspend or set conditions on the Landlord's right to enter, a monetary claim for money owed or compensation for damage or loss, an order for the Landlord to comply, to obtain an order of possession of the rental unit or site, for an order for the return of the Tenant's personal property and a reduction in rent for repairs, services or facilities agreed upon but not provided.

The Tenant attended the hearing by conference call and gave undisputed testimony. The Landlord did not attend or submit any documentary evidence. The Tenant states that the Landlord was served with the notice of hearing package and the submitted documentary evidence by Canada Post Registered Mail on October 28, 2013 and has provided the Customer Receipt Tracking number as confirmation. The Tenant states that an online search revealed that the Landlord was served a notice by Canada Post and as of the date of this hearing has not picked up the package.

The Tenant states that their evidence package was faxed into the Residential Tenancy Branch on November 11, 2013, but that there is no log of documentary evidence in the file. The Tenant, C.Y. was given an opportunity to re-fax the 23 pages of documentary evidence before 3:45 pm on November 19, 2013. The Tenant's were cautioned that if the package was received that it would form part of the decision for the hearing. If the package was not received by the deadline that a decision would be made without it. The Tenant's documentary evidence package was received in time and shall be reviewed and used for this decision.

The Tenants clarified that as the Tenant has vacated the rental unit that the following requests are being withdrawn:

- allow access to (or from) the unit or site for the tenant or the tenant's guest.
- obtain an order to cancel a notice to end tenancy issued for cause.
- Suspend or set conditions on the landlord's right to enter the rental unit.
- obtain an order of possession of the rental unit or site.
- an order for the return of the Tenant's personal property.
- an order allowing the tenant to reduce rent for repairs, services or facilities agreed upon but not provided.

Issue(s) to be Decided

Are the Tenants entitled to a monetary order?

Background and Evidence

The Tenant seeks a monetary claim for \$934.28. This consists of \$225.00 for moving costs incurred by the Tenant for moving out of the rental unit because the Landlord had the police take his keys to the rental unit and returned them to the Landlord without their permission. The Tenant clarified that the Landlord is also a Tenant and that this was a shared tenancy where they were acting as roommates. The Tenant also seeks the recovery of \$262.50 equal to $\frac{1}{2}$ of the monthly rent for being forced out of the tenancy by the police and the landlord. The Tenant seeks \$50.00 in compensation for spoiled food and lost food that was not recovered from the shared refrigerator. The Tenant seeks \$50.00 for the cost of eating out as they were deprived of access to their rental and had to pay for take out food. The Tenant seeks \$92.40 for the cost of temporary storage locker rental to accommodate the forced move out by the Landlord and the police between October 19 to 31, 2013. The Tenant seeks \$29.22 for the loss of internet usage that was paid for the period between October 19 to 31, 2013. The Tenant seeks \$5.00 in gas costs paid to a friend to assist in the move-out and the Tenants also seek recovery of \$220.16 for the recovery of rent paid for the period October 19 to 31, 2013 (pro-rated for 13 days from \$525.00 monthly rent).

The Tenants also seek the return of the \$262.50 security deposit.

Analysis

Based upon the undisputed testimony of the Tenants, I find that a monetary claim of \$934.28 has been established. I find as the Tenancy is at an end and the Landlord is aware of the Tenant's forwarding address in writing and that no claim has been filed, I order the return of the \$262.60 security deposit. The Tenants are also entitled to recovery of the \$50.00 filing fee. I grant the Tenants a monetary order for \$1,246.78.

This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The Tenants are granted a monetary order for \$1,246.78.

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: November 26, 2013

Residential Tenancy Branch

