



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

Decision Codes: MNDC

## Introduction

The Application for Dispute Resolution filed by the Tenant makes the following claims:

- a. A monetary order in the sum of \$4600
- b. An order to recover the cost of the filing fee.

A hearing was conducted by conference call in the presence of the applicant and in the absence of the respondent. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

The Residential Tenancy Act permits a party to serve another by mailing, by registered mail to where the other party resides. The Policy Guidelines provide that a party cannot avoid service by refusing to claim their registered mail. I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on the landlord by mailing, by registered mail to where the landlord resides on August 14, 2017 even though the landlord failed to pick up his registered mail. With respect to each of the applicant's claims I find as follows:

## Issues to be Decided

The issues to be decided are as follows:

- a. Whether the tenant is entitled to a monetary order and if so how much.
- b. Whether the tenant is entitled to recover the cost of the filing fee?

## Background and Evidence:

The parties entered into a fixed term tenancy agreement that provided that the tenancy would start on September 1, 2015 and end on October 31, 2017. The rent was \$2200 per month. The tenant paid a security deposit of \$2200. The security deposit has been returned to the tenant.

In November 2016 landlord started harassing the tenant in an effort to get the tenant to vacate the rental unit prior to the end of the fixed term as the landlord was wished to sell the rental property.

On December 13, 2017 the parties entered into a Mutual Agreement to End the Tenancy in writing agreeing to end the tenancy on December 31, 2017. The parties also agreed the landlord would make certain payments to the Tenant. The tenant vacated at the end of December 2016.

## Analysis

With respect to each of the tenant's claims I find as follows:

- a. The tenant produced an e-mail from the landlord where the landlord agreed to pay the tenant 1 month rent. I determined the tenant has established a claim in the sum of \$2480 for one month rent at his new rental unit.
- b. I determined the tenant is entitled to \$720 for the cost of moving as the landlord agreed to pay the moving in fee.
- c. I dismissed the claim of \$1200 for serious disturbing the tenant as the tenant failed to provide sufficient evidence to establish this claim.

Monetary Order and Cost of Filing fee

**I ordered the landlord(s) to pay to the tenant the sum of \$3200 plus the sum of \$100 in respect of the filing fee for a total of \$3300.** The monetary order worksheet claim applications fees of \$200. The tenant is only entitled to one application fee.

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial Court and enforced as an Order of that Court.

Conclusion:

In conclusion I ordered the landlord to pay to the tenant the sum of \$3300.

**This decision is final and binding on the parties.**

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 27, 2017

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Residential Tenancy Branch