



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, OLC, RP, RR, O

Introduction

This matter dealt with an application by the Tenants for compensation from the Landlord for loss or damage under the Act, regulations or tenancy agreement, for the Landlord to comply with the Act, regulations or the tenancy agreement, for repairs to the unit, site or property, to allow the Tenant to reduce the rent while the repairs or services are being completed or supplied and for other considerations.

The Tenant said she served the Landlords with the Application and Notice of Hearing (the “hearing package”) by registered mail on June 16, 2013. Based on the evidence of the Tenants, I find that the Landlords were served with the Tenants’ hearing package as required by s. 89 of the Act and the hearing proceeded in the Landlords absences.

Issues(s) to be Decided

1. Is there a loss or damage to the Tenants and if so how much?
2. Are the Tenants entitled to compensation for loss or damage and if so how much?
3. Has the Landlord complied with the Act, regulations or tenancy agreement?
4. Are repairs required to the unit, site or property?
5. Are the Tenants entitled to a rent reduction?
6. What other considerations are there?

Background and Evidence

This tenancy started on May 1, 2013 as a fixed term tenancy with an expiry date of April 30, 2014. Rent is \$1,000.00 per month payable in advance of the 1st day of each month. The Tenant paid a security deposit of \$500.00 on May 6, 2013.

The Tenants said they gave the Landlord written notice on June 12, 2013 to end the tenancy on July 31, 2013. The Tenants continued to say the Landlord accepted and agreed with the notice to end the tenancy so they are moving out of the unit on July 31, 2013.

In addition the Tenants said they have been out of town therefore they were not able to submit any evidence to support their application. The Tenants said they have photographs that would show that the unit needs repairs and there is mold in the unit.

The Tenants agreed that since they are moving out of the unit and because they did not submit any evidence to support their claims they understand that their application will not be successful.

Analysis

As the Tenants said they did not submit any evidence to support their claims and because they are moving out of the unit July 31, 2013 I am dismissing the Tenants' application with leave to reapply.

Conclusion

The Tenants' application is dismissed with 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: July 22, 2013

Residential Tenancy Branch