



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNR, MNDC, ERP, RP, FF

### Introduction

This was the hearing of an application by the tenant to cancel a Notice to End Tenancy, for a repair order and for monetary compensation. The hearing was conducted by conference call. The tenants and the named landlord called in and participated in the hearing. I was advised at the hearing that the tenancy has ended. The landlord obtained an order for possession pursuant to a direct request proceeding and the tenants moved out of the rental unit on or about March 15, 2014. There is therefore no basis for the tenants' claims to cancel a Notice to End Tenancy or for their claims for repair orders and emergency repairs; these claims are dismissed without leave to reapply.

### Issue(s) to be Decided

Are the tenants entitled to a monetary award and if so, in what amount?

### Background and Evidence

On February 19, 2014, the landlords obtained an order for possession pursuant to a direct request proceeding. The landlords' application for a monetary order was dismissed with leave to reapply. The filed this application to dispute a 10 day Notice to End Tenancy for unpaid rent on February 13, 2014. The tenants' application was filed late and they have moved out of the rental unit. At the hearing the tenants claimed that they are not seeking a monetary order, but they said they are disputing their obligation to pay rent to the landlord for some part of their tenancy because there was a mould problem in the rental unit.

### Analysis

The landlords' entitlement to claim unpaid rent has not been determined. It will be addressed if and when the landlords file a new application for dispute resolution to claim

unpaid rent. It will be up to the tenants to make their arguments in response to a new claim by the landlords.

Conclusion

The tenants' application to oppose the landlords' rent claim is premature and it is therefore dismissed.

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: April 02, 2014

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Residential Tenancy Branch

