



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes Landlords: OPE, OPC, OPB, MND, MNR, MNSD, MNDC, FF
Tenants: MT, CNC, CNR, OPT, AAT, RR

Introduction

This hearing dealt with cross Applications for Dispute Resolution. The landlords sought an order of possession and a monetary order. The tenants sought more time to cancel a notice to end tenancy; to cancel two notices to end tenancy; an order of possession; to allow the tenant access to the rental unit, and a rent reduction.

The hearing was conducted via teleconference and was attended by both landlords, the male tenant and the tenants' agent.

At the outset of this hearing the parties confirmed the tenants vacated the rental unit on or before October 17, 2015.

As a result, the tenants confirmed that they were no longer in need of pursuing their Application for Dispute Resolution.

As to the landlords' Application for Dispute Resolution, they confirmed that they no longer were in need of an order of possession.

The tenants had until the end of the tenancy to ensure the rental unit is returned cleaned and undamaged, except for reasonable wear and tear. While the landlords submit that they have inspected the rental unit and will continue to seek a claim for damage to the property, they have confirmed that they have provided no additional evidence since the tenancy ended to confirm the condition of the rental unit at the time the tenants vacated the unit. As such, I find that the landlords' claim for repairs to damaged cause to the rental unit is premature. I therefore dismiss this portion of the landlords' claim with leave to reapply.

Issue(s) to be Decided

The issues to be decided are whether the landlords are entitled to a monetary order for unpaid rent; for all or part of the security deposit and to recover the filing fee from the tenants for the cost of the Application for Dispute Resolution, pursuant to Sections 67, and 72 of the *Residential Tenancy Act (Act)*.

Background and Evidence

During the hearing the parties agreed the tenants had not paid the landlords any rent for the month of October 2015. The parties also agreed the amount of rent outstanding was \$1,200.00 and that the landlords were currently holding a security deposit of \$600.00 and a pet damage deposit of \$600.00.

Analysis

As per the testimony of both parties I find the tenants owe the landlords rent for the month of October 2015.

Conclusion

I accept the tenants have withdrawn their Application for Dispute Resolution in its entirety.

I find the landlords are entitled to monetary compensation pursuant to Section 67 in the amount of **\$1,250.00** comprised of \$1,200.00 rent owed and the \$50.00 fee paid by the landlords for this application.

I order the landlord may deduct the security deposit and pet damage deposit held in the amount of \$1,200.00 in partial satisfaction of this claim. I grant a monetary order in the amount of **\$50.00**. This order must be served on the tenants. If the tenants fail to comply with this order the landlords may file the order in the Provincial Court (Small Claims) and be enforced as an order of that Court.

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: October 20, 2015

Residential Tenancy Branch

